The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2016

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2016

Appeal Ref: APP/T4210/W/16/3153012
Telegraph House, 11 Park Hill, Bury Old Road, Prestwich, Manchester, Lancashire M25 0HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Harris of Jewish Telegraph Ltd against the decision of Bury Metropolitan Borough Council.
- The application Ref 59720, dated 1 February 2016, was refused by notice dated 21 March 2016.
- The development proposed is described as 'retrospective planning permission for the retention of a storage container'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The storage container is already in place and appears to conform to the plans before me. I have determined the appeal on this basis.

Main Issues

3. The main issue is the effect of the development on adjacent premises with regard to crime.

Reasons

4. The container is situated on private land to the rear of a shopping parade, beyond a back street and an area of rough ground used for car parking and the siting of several brick buildings. Immediately adjacent to the site is the detached pitched roof building of 1a Parkhill Place. The container is set behind a timber gate and mesh fence that extends from No 1a to a brick building to the south. Mature trees and shrubs are beyond the fence. To the north and east of the appeal site is a car wash and a further shopping parade. Residential properties are above the nearest shopping parade and on nearby streets.

5. Although occupiers of neighbouring premises would be aware of it, the container is not readily apparent to passers-by on Bury Old Road and is, in my judgment, in a secluded location.

6. The container was initially sited on the land in 2003 and is used for the storage of documents, furniture and stationary by the Jewish Telegraph following a

series of temporary planning permissions. Since then there has been a single recorded crime incident, in 2015, in which, according to Greater Manchester Police (GMP), the container was used as a climbing aid to enable entry into No 1a via a roof light.

7. The container has been sited on the land for some time and it is required to store documents which need to be accessible during unsociable hours. Nevertheless crime can occur at any time. I recognise the appellant's point concerning making assumptions about the problems and their causes given just the single incident, and note that No 1a was granted planning permission for a change of use to an office and storage[1] with the container in place. I am also mindful, however, that the change of use application was determined at a time when the container failed to benefit from planning permission, its temporary consent having expired.

8. Nonetheless, the Planning Practice Guidance sets out that *"Designing out crime and designing in community safety should be central to the planning and delivery of new development."* (Paragraph: 010 Ref ID: 26-010-20140306). Similarly, the National Planning Policy Framework, which is a significant material consideration, is clear that developments should create safe and accessible environments, where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9. In addition, I am mindful of the response from GMP, which, notwithstanding the overall low crime rate in the area, recommends the removal or re-positioning of the container in order to discourage its misuse. It may be that GMP would not have commented on the application had the crime at No 1a not taken place. This is, however, is not the point. The container has been used to access No 1a and GMP have raised a legitimate concern on the back of these new circumstances.

10. No 1a could be subject to incidents of crime in any event and the owner is responsible for ensuring its security. Nonetheless, as demonstrated by the 2015 incident, the close proximity of the container, together with its secluded location, clearly provides an unwelcome and unnecessarily helpful opportunity for offenders to potentially gain access to No 1a, which has not long been in use as an office.

11. Whilst the appellant requires storage, there is no evidence to suggest that the container, or any other storage facility, needs to be positioned in this precise location in order to sustain the long standing business. If permanently retained in its current position, the container could be subject to, or enable, further incidents of crime.

12. Even though crime related issues were not raised in the consideration of previous temporary planning permissions, which appear to have been limited in order to protect the visual amenity of the area, I have determined this appeal in accordance with the development plan and the material considerations of the case. The granting of previous temporary planning permissions does not automatically mean that a further planning permission should be granted. In terms of security measures at No 1a, this is a matter for the owner to address and I have determined the appeal on the basis of the development applied for.

[1] Council Application Ref: 57526

13. Thus, I conclude that the development would increase opportunities for crime in the area which would conflict with Policy EN1/5 of the Bury Unitary Development Plan. This policy seeks to discourage crime through environmentally sensitive design features, including the use of and creation of defensible space and natural surveillance. It would also conflict with the requirements of the Framework, which are noted above.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR