
Appeal Decision

Site visit made on 14 November 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 18th November 2016

Appeal Ref: APP/L2630/W/16/3155955

Garage at the 'Drift', Crownthorpe Road, Wicklewood, Wymondham, Norfolk NR18 9EW

- 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 Kevin Musk against the decision of South Norfolk District Council.
 - The application Ref 2015/2803, dated 15 December 2015, was refused by notice dated 5 February 2016.
 - The development proposed is described as 'to convert a garage at Crownthorpe Road to commercial offices and build a store for light use. Replant hedges and trees to landscape area and make access to office and stores'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the date of the application from the decision notice as the date on the application form provided with the appeal submissions has been redacted.

Main Issues

3. The main issues in this appeal are: 1) Whether the proposed development would constitute a suitable site for a commercial use with particular reference to the accessibility of the site; and 2) The effect of the proposed development on the character and appearance of the area.

Reasons

The suitability and accessibility of the site for a commercial use

4. It is common ground between the appellant and Council that the appeal site is located in the countryside being beyond the settlement boundary of Wymondham. Policy DM 1.3 of the DMP¹ directs most new development towards identified settlements and states that development in the countryside will only be granted where development management policies allow for this or there would be overriding economic, social and environmental benefits. The reasoned justification behind Policy DM 1.3 states that it is only in exceptional cases consistent with specific development management policies that development proposals in the countryside will be supported.

¹ South Norfolk Local Plan Development Management Policies Document 2015

5. As a specific development management policy that allows some development in the countryside, Policy DM 2.10 of the DMP permits the change of use and conversion of buildings in the countryside to employment uses subject to criteria. One of the criteria in the policy is that the building to be converted should not require additional outbuildings. Nevertheless, the appeal scheme proposes the erection of a new building of a comparable size to the existing. Consequently, the proposal would not adhere to Policy 2.10 of the DMP, as it would go beyond an acceptable conversion as envisaged in the policy due to the proportionately significant element of new building.
6. In reaching this view I have carefully considered the National Planning Policy Framework, which suggests local plans should support sustainable growth of all types of business in rural areas through the conversion of existing buildings and well-designed new buildings. However, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Moreover, Paragraph 1 of the Framework confirms that it is just that, a Framework within which local residents can produce distinct local plans. In this respect, the DMP is up to date and consistent with the Framework as it includes Policy DM 2.1, which sets out where and when new commercial buildings in the countryside will be permitted.
7. Policy DM 2.1 of the DMP states that proposals for new employment and business sites in the countryside will be given positive consideration. This is if they are located on sites well related to rural towns and it is demonstrated that there are no sequentially preferable sites and/or the proposal would create accessible jobs and business opportunities in rural areas.
8. The appellant considers the site is well related to Wymondham being approximately 630m from the edge of the settlement and about 800m from the nearest bus stop. Additionally, the site is around 200m from the Tiffey Trail, a public trail which runs through Wymondham. However, to access the appeal site on foot from the bus stop and/or the Tiffey Trail would require walking along Chapel Lane and Crownthorpe Road. Most of this route is without a pavement, is winding and in places has nowhere for a pedestrian to step off the carriageway. Consequently, this is not a route along which pedestrians should be encouraged to travel frequently.
9. It may be more appropriate for potential employees to cycle to the appeal site when compared to walking from their homes or the nearest bus stop. To this end the appeal scheme would include on site bike storage. However, the likelihood of this being a genuine alternative to private car use would be dependent on the cycling proficiency and mobility of the employees. The lack of a dedicated cycle route may be a notably deterrent for some. As such, I am not satisfied cycling can be relied upon as an alternative to travel by private car.
10. Consequently, the appeal site is not well related to a rural town or village and the appeal scheme would not provide accessible jobs and business opportunities. Moreover, it has not been demonstrated that there are no sequentially preferable sites available within a reasonable catchment that would otherwise be more accessible to staff, visitors and customers. As a result, the appeal scheme would not adhere to Policy DM 2.1 of the DMP.
11. The inaccessible location of the appeal scheme would result in harm when considering the social and environmental dimensions of sustainable development. It would leave future employees and visitors largely reliant on

- private vehicles with limited travel choices. It would thus undermine the Council's aims of locating new businesses in rural areas in accessible locations well related to local services and facilities as a means of reducing travel and associated carbon emissions.
12. This is reinforced in Policy DM 3.10 of the DMP, which requires all new development to support sustainable transport objectives. This includes integrating with existing sustainable transport networks and maximise sustainable forms of travel. The appeal scheme would not achieve these aims.
 13. The appellant has suggested that he is willing to enter into a Travel Plan as a means of reducing travel by private car and to promote health and well-being by encouraging employees to walk and cycle to work. However, I have not been presented with a copy of a Travel Plan. Therefore, it is unclear what this would include² and thus how effective it would be as a means of mitigating the sites inaccessible location. This is not a matter than can be entirely left to condition if the parameters of the potential Travel Plan are unclear.
 14. The appeal scheme would not glean support from any specific development management policy which would, exceptionally, permit a new employment use in the countryside. Therefore, in accordance with Policy DM 1.3 of the DMP, it is left to consider whether there are any overriding economic, social and environmental benefits which would justify the appeal scheme.
 15. There would be economic benefits from the associated construction works as well as from a payment pursuant to the Community Infrastructure Levy and business rates. Moreover, by relocating, the business would retain and create local jobs, which could include apprenticeships. The proposal would also provide the existing building and site with a long term economic use which would benefit the local economy and lessen the risks of anti-social behaviour, such as fly tipping. The appeal scheme would also facilitate the implementation of an extensive landscaping scheme including habitat creation and the use of renewable energy.
 16. Whilst these benefits are notable I do not consider they would be overriding. This is because many of the benefits could be accrued at a more accessibly located site and the appellant has not demonstrated that such sites are unavailable. In respect of anti-social behaviour, it has not been demonstrated that security measures have been exhausted or that the site could not be tidied up without implementing the appeal scheme. The proposed landscaping is a noteworthy benefit. However, the site history demonstrates that landscaping can be temporary and thus any benefits derived from additional planting is not in this instance a sound basis on which to permit a development that would otherwise be unacceptable.
 17. I therefore conclude that the appeal scheme would result in an employment use that would be poorly related to Wymondham and would not create accessible jobs. The harmful impacts that would arise from this would not otherwise be permitted as an exception by a specific development management policy or through overriding social, economic and environmental benefits having been demonstrated. The proposal is therefore contrary to Policies DM 2.1, DM 3.10 and DM 1.3 of the DMP, which seek to delivery development that

² Other than promoting the Tiffey Trail, which is unlikely to be used frequently in the winter.

is both accessible and in accordance with the Council's overall strategy for the growth and the location of development.

The effect on the character and appearance of the area

18. The appeal site currently encompasses a domestic garage that once formed part of the residential dwelling known as Copper Beeches. It is now in a separate ownership and subdivided from the adjoining property by a fence.
19. The existing building within the appeal site is discretely located set back from the road and near to the southern boundary of the appeal site. Photographs demonstrate that the appeal site was once heavily landscaped but this has recently been cleared to make way for an access and driveway. The appeal site is now predominantly given over to grass with a woodland backdrop. This gives the appeal site an open, informal and rural character.
20. Given the low profile of the existing building, as well as the surrounding topography and landscaping, the visual envelope of the appeal site is reasonably localised and is broadly limited to a small section of Crownthorpe Road directly outside the appeal site. The existing building is of limited architectural merit but is exposed to the public realm. The appeal scheme seeks to address this limitation through a comprehensive landscaping scheme.
21. The proposed storage building would replicate the form and scale of the existing garage and would be located further into the site. As such, the new building would not appear discordant. The developed area, including the car park, would be reasonably compact, proportionate to the site and discretely located within the immediate vicinity of the existing building. This arrangement would allow ample space for landscaping elsewhere in the appeal site to soften and filter views of the proposed development. This would include a hedge along the road and a significant number of new trees. The combined effect of the new development and the conversion of the existing building, on the character and appearance of the area, would thus be limited.
22. Moreover, the Local Highway Authority is seeking the blocking up of the existing access with only the original lawful access to be used. The appellant has agreed to this and thus it is a matter that could be addressed through a planning condition if the proposal was otherwise acceptable. The significance of this is that the new hedge, which is proposed along much of the frontage of the site, would, over time, screen much of the appeal site from Crownthorpe Road. This would result in the appeal scheme being a discrete addition that would preserve the character of the countryside when all aspects are taken together.
23. Reference has been made to a previous Inspector's decision in respect to a proposed residential conversion of the existing garage. The Inspector found that a residential development at the appeal site would harm its open and rural character. Nevertheless, the details of the scheme that was dismissed are not before me and therefore I am unable to gauge whether there are any similarities. Consequently, I have considered the appeal scheme on its own merits and for the reasons given it would not harm the character and appearance of the appeal site or the countryside.
24. I therefore conclude that the appeal scheme would preserve the character and appearance of the area and would be sympathetic to its setting. Thus, it would adhere to Policies DM 3.8 and DM 2.10 of the DMP, which seek to secure new

developments which would successfully integrate with their surroundings and context and include high quality landscaping schemes.

Other Matters

25. The appellant has suggested that the proposal would result in the reuse of previously developed land. Apart from an apparently short term and unauthorised use as a workshop, there is nothing before me to suggest the appeal building is anything but a domestic garage which would have once been sited within a residential garden. As the status of the appeal site is unclear, it cannot be concluded with any confidence that the appeal site as a whole is previously developed land within the definition in the Framework. Notwithstanding this, even if it were, this is not a determinative matter given the appeal sites inaccessible location.
26. I share the Council's reservations over additional development at the appeal site in the future, particular if located away from the existing building in the position annotated on the drawings for a "Proposed Phase 3 Office". However, this potential development is not what is before me and consequently it is not something I have taken into consideration.

Conclusion

27. Whilst I have not found that any harm would arise to the character and appearance of the area from the appeal scheme, this would not mitigate for the harm that would result from its inaccessible location. Thus the proposal would not constitute sustainable development. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR