

Appeal Decision

Site visit made on 29 November 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/B2355/W/16/3157698
232 Dean Lane, Water, Rossendale BB4 9RB

- 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 Ali Iftekhar of Speedy Salvage Ltd against the decision of Rossendale Borough Council.
 - The application Ref 2016/0048, dated 4 February 2016, was refused by notice dated 7 April 2016.
 - The development proposed is the change of use from agricultural to turning point/car park.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In their appeal submission, the appellant has included amended turning circle plans which also include a revision to the boundary treatment with the east boundary being positioned further away from No 240 Dean Lane. Whilst, these plans did not form part of the planning application submission, such a revision is only minor in nature such that the substance of the scheme has not changed. I am satisfied that all interested parties have had the opportunity to comment on these amendments. As a result I find that no party would be prejudiced by my consideration of their content. Therefore, I have determined the appeal taking into account the amended plans as amendments to the application submission.

Main Issues

3. The main issues are the effect of the development on highway safety; the character and appearance of the area; and, the living conditions of the occupants of the neighbouring residential properties, with regard to outlook, noise and disturbance.

Reasons

Highway Safety

4. This stretch of Dean Lane is narrow with limited grass verges on both sides and no footways. The proposal would allow delivery vehicles to drop off cars near to the site without the need to drop them off on Burnley Road East, at the end of Dean Lane, due to the lack of turning facilities. Furthermore, it would allow staff and customers to park on the site instead of on the side of the road near
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the existing entrance to the site. At the time of my site visit, I witnessed several parked cars adjacent to the entrance.

5. The proposed amended turning circle would appear to provide sufficient space for delivery vehicles to turn around within the site without detriment to highway safety. Furthermore, it would appear to provide sufficient on-site parking provision for staff and customers. In their consideration of the amended scheme, the Council raise no concern regarding the highway safety implications of the parking and turning facilities. The Council has provided an alternative scheme referred to as 'APP6' in their Appeal Statement, which would require a smaller area than the proposed scheme. However, this alternative scheme does not form part of the proposal before me and therefore I have not considered its content.
6. Notwithstanding the proposal enabling vehicles to turn and park off the road, it seems to me that scrap vehicles would still be dropped off on the road. The turning circle would enable delivery vehicles to turnaround, negating the need to drop them off at Burnley Road East. There is no indication that vehicles delivered to the site would be stored on the land.
7. I have had regard to the Council's objection on the grounds that the proposal would result in an intensification of the existing scrap yard site as it would encourage the use of further parts of the existing site for the storage of scrap. Consequently, this would likely result in an increase in the number of HGV/LGV movements between Burnley Road East and the appeal site and potentially more scrap cars being dropped off on the road. Whilst delivery vehicles may well be able to turn around, there would be a significant amount of time whereby they have to park on the road in order to drop off the scrap vehicles. Given the narrowness of the lane I do not find that it would be suitable to accommodate this additional traffic as it would likely result in increased traffic congestion. Furthermore, due to the road being frequented by walkers, cyclists and horse riders, as evidenced by local residents, there would be an unacceptable increase in the risk of conflict between vehicles and other road users.
8. The availability of on-site parking for staff and customers would likely reduce on-street parking, and therefore would be a benefit as road users would not have to negotiate them. However, this does not outweigh the overall harm it would have on highway safety.
9. I note that the appellant would allow the site to be used for neighbouring residents to use as a turning circle, although there is no evidence that local residents experience any problems with turning. Furthermore, the site would be gated and therefore would not be available to them when the gate is closed.
10. I find therefore that the proposal would represent a severe risk to highway safety. As such, it would fail to comply with Policy 1 of the Rossendale Borough Council Core Strategy Development Plan Document (CS) 2011, which seeks to ensure that development minimises negative impacts upon existing infrastructure.
11. The Council also relies on Policies 8 and 9 of the CS. However, there is no evidence to indicate how the proposal would fail to comply with either of these policies.

Character and Appearance

12. The appeal site is a vacant piece of open land that lies between the existing scrapyard and a terrace row of several residential properties to the east. Although there is a cluster of properties within the vicinity of the site, the surrounding verdant open fields provide a rural character to the area. There is no distinct boundary between the appeal site and the adjacent highway, Dean Lane, and the site appears to have been used for the small-scale storage of building waste. Nevertheless, it is very much read as an open field that makes a positive contribution to the overall openness of the area and enables views of the fields beyond.
13. I note that the amended scheme has set the fencing back from No 240 Dean Lane. Nevertheless, the proposal would occupy the vast majority of the field. The provision of the large area of hardstanding and security fencing, which would be significantly greater in size and extent than the existing site, would substantially diminish the openness of the site. In addition, it would result in the coalescence of the built form of the existing scrapyard and the nearby residential properties.
14. The boundary would be planted with trees and hedging, which would assist in screening the site to some extent. Notwithstanding that it would take a substantial amount of time for the planting to establish, I am not satisfied that it would adequately screen the site, particularly at the entrance to the site. In any event, whilst this may have some effect on the visual intrusiveness of the site, it would not affect its spatial impact as the built form would occupy what is otherwise open land.
15. I note that the proposed site would be used for turning and parking only and would not be used for the storage of scrap vehicles. Nevertheless, it would be read in conjunction with the existing site and as a significant enlargement of the existing commercial use, which would adversely detract from the rural character of the area.
16. I find therefore that the proposal would significantly harm the character and appearance of the area, contrary to Policies 1, 18 and 21 of the CS, which seek to ensure that development complements and enhances the surrounding area.
17. The Council also rely on Policy AVP3 of the CS. However, there is no evidence of how the proposal would fail to comply with this policy.

Living Conditions

18. There are a number of dwellings within proximity of the appeal site. The existing open field is not readily overlooked by any of these properties, although No 240 Dean Lane does have some windows in its side elevation, including what appears to be a part-glazed porch and a first floor window. The security fence would be low level and would be sufficient distance from the windows to ensure that there would not be any significantly harmful effect on the outlook from these windows.
19. Turning to noise and disturbance, although the appeal site would not be used for the storage of scrap vehicles, there would be an increase in the number of vehicle movements into and out of the site. Whilst many of these would comprise large vehicles which currently drop vehicles off on Burnley Road East, given the number of scrap vehicles stored on the existing site it is unlikely that

they would visit the site so frequently as to have a significantly harmful effect with regard to noise and disturbance. If I were minded to allow the appeal, I am satisfied that conditions could control the hours of operation and delivery of vehicles.

20. Furthermore, although there is the likelihood that the use of the existing scrap yard site could intensify, it is unlikely that it would be to such an extent that would result in a significant increase in noise and disturbance.
21. I find therefore that there would not be any significant harm to the living conditions of the occupants of neighbouring residential properties, with regard to outlook, noise and disturbance. As such, it would comply with Policy 24 of the CS, which seeks to ensure that development protects residential amenity.
22. In their reasons for refusal, the Council also cites Policy 19 of the CS. However, there is no evidence of how the proposal would fail to comply with this policy.

Other Matters

23. I have had regard to the appellant's contention that due to the success of the business it needs to expand and relocation is not a viable option. However, I do not find that this outweighs the significant harm it would have on highway safety and the character and appearance of the area.

Conclusion

24. Whilst I have found that the proposal would not have any significant harm to the living conditions of the occupants of neighbouring residential properties, this does not outweigh the harm it would have on highway safety and the character and appearance of the area.
25. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR