

Appeal Decision

Site visit made on 27 September 2016

by Janine Townsley LLB (Hons) Solicitor (Non-practising)

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

Decision date: 22 December 2016

Appeal Ref: APP/Y2430/C/16/3150205

30 Braunston Road, Knossington, Oakham, LE15 8LN.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Jack Harvey Knight against an enforcement notice issued by Melton Borough Council.
 - The Council's reference is 15/00353/FUL.
 - The notice was issued on 6 April 2016.
 - The breach of planning control as alleged in the notice is without planning permission the construction of an open fronted wooden shed for storage of trailers associated with business not agriculture.
 - The requirements of the notice are to 1. Demolish the shed subject to the refusal of planning permission for application 15/00353/FUL dated 16.07.15; 2. Remove gravel hard standing; 3. Remove from the land all waste materials created by compliance with point 1 and point 2 above; 4. Cease the use of land for commercial purposes other than agriculture.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an open fronted shed for storage of trailers associated with business not agriculture on land at 30 Braunston Road, Knossington, Oakham, LE15 8LN referred to in the notice.

The Appeal on Ground (a) and the Deemed Application for Planning Consent

Main Issue

2. This is the effect of the development on the character and appearance of the area having regard to local and national policies designed to control development in the open countryside.

Reasons

3. The appeal structure comprises three elements: an open fronted storage building, an enclosed store and an open fronted wood store, all beneath a low gradient mono pitched roof. The appellant's evidence is that the main element
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of the building is used as storage for trailers which are used as part of his business.

4. Policy OS2 of the Melton Local Plan 1999 -2006 seeks to protect the character and appearance of the countryside from inappropriate sporadic development and states that planning permission will not be granted for development outside the town and village envelopes aside for listed exceptions, none of which are relied upon by the appellant. From the evidence before me, both parties agree that the appeal building falls within the countryside.
5. The appeal building is sited generally opposite the dwelling house but accessed off the same driveway and positioned back to back with the highway. The appeal site is bounded by mature shrubs and trees and the appeal structure is closely bounded on two sides by vegetation taller than the building. As a result of this it is well screened and not readily visible from the highway.
6. Whilst the appeal building falls within the countryside this is true also of the dwelling and other outbuildings on site which, from the evidence I note have been constructed with the benefit of planning permission. This is a matter to which I attach considerable weight. This factor coupled with the modest size of the appeal building and its inconspicuous siting within the site mitigates the impact of the development on the countryside and limits any harm caused. The structure is set outside the residential curtilage but still reads as a group of buildings due to physical proximity. The gravel hard standing between the appeal structure and outbuilding clearly serves both buildings and reinforces the visual link between the buildings on site. I note the Councils concern that the appeal building is sited further into the countryside than the other out buildings, however, for the aforementioned reasons this does not result in a harmful impact on the countryside.
7. I have been referred to a bridle path which runs through the site. Whilst the appeal building would be visible from the bridle path it would be viewed in the context of the other buildings and would therefore not have an adverse visual impact on the site or surrounding area.
8. The building would be used to store trailers used in conjunction with the appellant's business. I note these would be kept at the appeal site in any event and storing them in the appeal building would screen them. This is a factor which weighs further in favour of the development.
9. The steps require the removal of the surfacing to the front of the structure, however, this area is at least in part shared with access to an outbuilding which has the benefit of planning permission¹. This has two garage type doors to the front which would facilitate access by vehicles. The surfaced area between the approved outbuilding and the appeal building appears to serve both buildings with no discernible harmful impact on the countryside.
10. Overall therefore, whilst the development does not fall within the criteria of policy OS2, for the reasons set out it does not have a harmful impact on the countryside and therefore respects the purpose of the policy.

¹ 14/00700/FUL

Other Matters

11. I have taken into account matters raised by interested parties including a reference to a public right of way which traverses the site. I have not been provided with any evidence of this from the Council and so in the absence of any further information, I have attributed limited weight to this consideration. I have also seen representations on matters such as drainage; however, these matters have not detracted from my conclusions as set out above.

Conclusion

12. Taking all evidence and matters raised into account, I conclude the appeal should be allowed.

Janine Townsley

Inspector