
Appeal Decision

Site visit made on 14 March 2017

by Mrs Zoe Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

Decision date: 28 March 2017

Appeal Ref: APP/X4725/W/16/3165769

Land adjacent to Newmarket Lane, Rothwell, Wakefield Yorkshire and Humber WF3 4BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Newcold Advance Logistics (Mr Hans Vergouwen) against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 13/02001/SUB05, dated 23 February 2016¹, sought approval of details pursuant to conditions Nos 16, 17, 19 and 21 of a planning permission Ref: 13/02001/FUL, granted on 1 October 2013.
 - The application was refused in part by notice dated as being issued on 4 October 2016.
 - The development proposed is a cold food distribution warehouse (B8 use class) with yard, vehicular parking area and associated infrastructure.
 - The details for which approval was sought were: Condition 16 – Boundary Treatment; 17 Road Traffic Noise; 19 Development Noise; and 21 Car Charging. The refused details relate to Condition 16 – Boundary Treatment.
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Decision

1. The appeal is allowed and the boundary treatment (fencing) details submitted pursuant to condition No. 16 attached to planning permission Ref: 13/02001/FUL, granted on 1 October 2013, in accordance with the application dated 4 October 2016 and the plans submitted with it are approved.

Preliminary Matters

2. The details for conditions Nos. 17, 19 and 21 were considered acceptable by the Local Planning Authority and, 'providing that the information submitted is implemented and retained for the lifetime of the development' the Council has discharged them. I have not considered these matters further.
3. Condition No. 16 was not considered acceptable and therefore remains outstanding. The condition therefore is the focus of the appeal. It states that: *The development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained.* The reason was: *In the interests of amenity.*

¹ This date is taken from the Council's Decision Notice as it has been redacted from the application form

4. The fencing has already been erected. I have therefore considered this matter as being for the discharge to the condition to allow the retention of the fencing which I saw.

Main Issue

5. The main issue in this case is the effect of the fencing on the character and appearance of the surrounding area.

Reasons

6. The appeal site is situated in an isolated position off a new access road with a circulatory turning facility. As such, the site is surrounded by undeveloped land. The development to which the appeal relates includes a substantial box like building with areas of parking to the front of the building. Much of the rear and less developed area of the site is enclosed by a green finished paladin fence (as detailed on the appeal plans). This has a relatively light-weight appearance and does not detract from its surroundings. It seems this part of the scheme is not of particular concern to the Council.
7. The matter of particular objection is the palisade fencing used to enclose the car park and associated areas which are largely to the front of the building.
8. Having viewed the site I agree with the Council that this fencing has a much more robust and defensive appearance than the paladin fencing used elsewhere on the site. However, the palisade fencing is seen in the context of the substantial development on the site. In this context the fencing appears appropriate in its vertical form and robust appearance. While paladin fencing might allow greater views into the site this would be mainly of car parking.
9. I conclude that the proposed fencing appears appropriate in both functional terms and in terms of its form which relates well to the robust building and its street frontage. I therefore find that the fencing scheme accords with policy CS10 of the Wakefield District Council Core Strategy adopted in April 2009 and the policies D9 and D15 Development Policies Document adopted in 2009 which deal with design and safety and security through design. Moreover, I find accord with the advice of the National Planning Policy Framework which seeks to encourage safe environments and I do not find conflict with its requirement to achieve good design when considering the boundary treatment in the context of the whole development.

Conclusions

10. For the reasons set out above I conclude that the appeal should succeed.

Zoë Hill

Inspector