
Appeal Decision

Site visit made on 18 April 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/M2515/W/16/3167633

St Marks Retail Park, The Sidings, Lincoln LN6 7TP

- 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 KB Recycling & Properties Ltd against the decision of City of Lincoln Council.
 - The application Ref 2016/0269/F, dated 12 April 2016, was refused by notice dated 22 June 2016.
 - The development is use of land for stationing of jack-leg mobile storage unit for use for receipt from the public of used clothing, shoes and clothing accessories for bulk re-sale or recycling.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by City of Lincoln Council against KB Recycling & Properties Ltd. An application for costs was also made by KB Recycling & Properties Ltd against City of Lincoln Council. These applications are the subject of separate Decisions.

Procedural Matters

3. At the time of my site visit the development had already been carried out. I have considered the appeal accordingly.
4. Since the submission of the appeal the Council adopted the Central Lincolnshire Local Plan (2017) (LP). This now forms part of the development plan for the area and supersedes the policies of the City of Lincoln Local Plan (1998) referred to in the Council's decision notice. I must base my decision on the policies from the development plan prevailing at the time of determination. Moreover, the appellant is aware of these changes and has had the opportunity to comment upon them. In any event the aims of the relevant Policies of the LP are not so materially different from those referred to in the Council's decision notice, such that they would have influenced the outcome of the appeal. Consequently no prejudice has been caused to the appellant's case.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.
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Reasons

6. The mobile storage unit is in a carpark surrounded by large commercial buildings and adjacent to a busy road and traffic island. The carpark is large, bound by a low brick wall and free from any significant structures. Thus the area has an open and commercial character and appearance.
7. I acknowledge the building appears subordinate to the surrounding buildings and does not result in the loss of or restrict views of any important landscape features. However, through its scale and temporary appearance it is in stark contrast with the other commercial buildings nearby.
8. Furthermore, it is some distance from other buildings and close to the road, such that it is a visually prominent incongruous feature in an otherwise open area. Thus, I find the development harmful to the character and appearance of the area and the imposition of planning conditions requiring cladding would not overcome this harm.
9. For these reasons, the development is therefore in conflict with Policies LP26 and LP31 of the LP and the National Planning Policy Framework, which taken together, encourage economic development provided it is well designed and does not harm the character of an area. For the same reasons the development is also in conflict with the guidance contained within the Lincoln Townscape Assessment Character Area Statement.

Conclusion

10. Overall, I find the development would not accord with the development plan and thus having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR