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# Appeal Decision

Site visit made on 1 June 2017

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

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

**Decision date: 14<sup>th</sup> June 2017**

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**Appeal Ref: APP/L2820/D/17/3173984**

**1 Crystal Court, Stamford Road, Kettering, Northamptonshire NN16 8NW**

- 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 Gary Millard against the decision of Kettering Borough Council.
  - The application Ref KET/2016/0887, dated 16 December 2016, was refused by notice dated 10 March 2017.
  - The development proposed is detached garage.
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## Decision

1. The appeal is allowed and planning permission is granted for detached garage at 1 Crystal Court, Stamford Road, Kettering, Northamptonshire NN16 8NW in accordance with the terms of the application, Ref KET/2016/0887, dated 16 December 2016, subject to the following conditions:
  - 1) The garage hereby permitted shall be for a limited period being the period of two years from the date of this decision. The garage hereby permitted shall be removed and the land restored to its former condition on or before 14<sup>th</sup> June 2019 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: KET/2016/0887/1 and KET/2016/0887/2 received by the Council on 9 December 2016.
  - 3) The premises shall be used only for purposes incidental to the enjoyment of the dwellinghouse at 1 Crystal Court, Kettering and for no other purpose.

## Preliminary Matters

2. The application was made retrospectively for a garage which has been partly built. During the course of the application the proposal was revised as being sought for a temporary period and the description in the Council's refusal notice refers to this as for two years.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

4. The appeal site is located within the inner suburbs of Kettering in an area of mixed uses including traditional terrace housing and older factory buildings. The proposal relates to a rectangular area of land lying to the east of a turning head serving Crystal Court, a terrace of three contemporary style dwellings. This housing is accessed from a gated entrance from Stamford Road situated between factory buildings to the west and further older industrial buildings to the east.
5. The partially finished garage occupies a large part of the length and most of the width of the site. It is sited immediately to the rear of the factory building to the south, between this and the rear boundaries of further contemporary-style terrace housing fronting Cornwall Road to the north. The appeal site is the only remaining undeveloped plot of the scheme for 16 contemporary dwellings approved at Crystal Court and along Cornwall Road.
6. The garage is of a sheeting-clad, metal-framed construction without footings and is in the nature of a non-permanent structure. The appellant occupies nearby No 1 Crystal Court and requires the building to temporarily store his three vehicles and personal tools which currently occupy the industrial buildings at 81 Stamford Road to the east of the site entrance. These the appellant intends to demolish to build the extension to the residential development at Crystal Court already approved by the Council.
7. The national Planning Practice Guidance (PPG) states that a temporary planning permission may be appropriate on vacant land to enable use for a temporary period prior to any longer term regeneration plans coming forward. Such a 'meanwhile use' appears appropriate in this case to enable No 81 to be demolished and the redevelopment of this site for housing to be commenced.
8. However the PPG advises that it will rarely be justifiable to grant a second temporary permission and there is no presumption that a temporary grant of planning permission should be granted permanently. The garage would not be in keeping with the character of the surrounding contemporary-designed housing and therefore the proposal conflicts with the aims of Policy 8 of the Council's Core Strategy<sup>1</sup>. However, the temporary two-year consent would meet the appellant short-term requirements but allow the Council not to permit this building for a longer period and thereby adhere with policy requirements.

## Conditions

9. I have considered the conditions recommended by the Council and amended these to a more standardised format where necessary. As the permission is for a two year temporary period a condition is necessary to this effect. In the interests of certainty a condition specifies the plans approved. In the interests of the living conditions of surrounding residents a condition is necessary that the use of the garage be restricted to domestic purposes associated with the appellant's residence. To further make the permission personal to the appellant is therefore not considered to be necessary.
10. These conditions address concerns raised by interested parties at the application stage to which regard has been given.

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<sup>1</sup> North Northamptonshire Joint Core Strategy 2011- 2031.

## **Conclusion**

11. For the reasons set out, and subject to the conditions specified, I conclude the appeal should be allowed.

*Jonathan Price*

INSPECTOR