



Appeal Decision

Site visit made on 31 July 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/H0520/W/17/3167523

Bucks Drove, Ramsey St. Mary, Huntingdon, Cambridgeshire, PE26 2TA

- 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 Frank Cannata against the decision of Huntingdonshire District Council.
 - The application Ref 15/02313/FUL, dated 8 January 2016, was refused by notice dated 23 December 2016.
 - The development is a portal framed building for the manufacture, maintenance and repair of ice cream vans for owners use only including sanitary accommodation, deep bore hole water supply and drainage to septic tank.
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Decision

1. The appeal is allowed and planning permission is granted for a portal framed building for the manufacture, maintenance and repair of ice cream vans for owners use only including sanitary accommodation, deep bore hole water supply and drainage to septic tank at Bucks Drove, Ramsey St. Mary, Huntingdon, Cambridgeshire, PE26 2TA in accordance with the terms of the application, Ref 15/02313/FUL, dated 8 January 2016, subject to the conditions set out in the schedule to this decision notice.

Background

2. At the time of my site visit the steel frame for the proposed building had been erected on the site, but the building had not been completed. Consequently, I have dealt with the appeal in accordance with Section 73A of the Town and Country Planning Act 1990.
3. The Council confirm in its statement that both the use of the site and the two existing Nissan huts are immune from enforcement action due to the length of time that has passed since their erection and the use of the land commencing.
4. The other open storage shed to the north west of the site is the subject of a separate planning application (15/02318/FUL) which has not yet been determined by the Council.
5. The ownership of Buck's Drove which forms the access to the site is unknown and as a consequence the owners of properties fronting the road contribute to its ongoing maintenance.

Main Issue

6. The main issues are the effect of the building on the character and appearance of the area and the effect of the building on highway safety.

Reasons

Character and appearance

7. Ramsey St Marys is a small village within a mainly agricultural landscape. The land is flat, with little landscape cover. As a result long views are available over significant distances. Development is mainly in the form of isolated farms and villages mostly following the road pattern. Buck's Drove forms a narrow, mainly un-metalled, track which gives access to a mix of sporadic properties forming houses and farm buildings.
8. The appeal site is located at the western end of Buck's Drove. There are a number of buildings on the site together with numerous vehicles, in various states of repair, and containers creating a haphazard and untidy appearance to the site.
9. When approaching the appeal site from the north on Herne Road and along Buck's Drove, views of the building are minimised given the intervening landscaping and built development. However, the building is located adjacent to the boundary to the site and is clearly visible from Herne Road when approaching Buck's Drove, from the south. Nonetheless, I saw examples of other relatively large, buildings in the landscape of a similar design to the building the subject of the appeal in the surrounding area. As a result, when complete the building would not be unique or unacceptable within the area. Furthermore, the building is viewed in the context of other buildings on Buck's Drove and is not therefore isolated in the landscape. Consequently, the building is not incongruous or obtrusive within the area. Moreover, the intended use of the building to store vans while on site for their manufacture, maintenance and repair would significantly improve the visual impact of the site by reducing the amount of vans in open storage.
10. The building is close to the eastern boundary and therefore landscaping could not be incorporated in this location. However, I have found that such buildings are not unusual in the landscape and therefore total screening would not be necessary. Moreover the site plan on submitted drawing FC26/1A shows landscaping to be planted to the south of the building, where it is most prominent in the landscape which would effectively soften the edge to the open countryside. The implementation of the landscaping could be controlled through the imposition of a condition.
11. The Council consider that as the proposal would double the amount of floorspace on the site, it would add significantly to the scale and intensity of buildings on the site. However, if the layout as shown on drawing FC26/1A were implemented then much of the site would remain open, albeit some used for parking. As a result I am satisfied that the site would not be over developed.
12. For the reasons above, I conclude that the proposal would not be harmful to the character and appearance of the area. There would therefore be no conflict with Policies E7 and E11 of the Huntingdonshire Local Plan Part One 1995 (the Local Plan), Policy CS1 of the Huntingdonshire Core Strategy 2009 and Policies

LP1(j) and LP13 of the Draft Huntingdonshire Local Plan to 2036 – Stage 3 May 2013. These support the expansion of existing firms and small businesses provided that development is of a high standard of design that protects environmental concerns and the range and vitality of characteristic landscapes.

Highway safety

13. The Council assumes that the existing use of the site involves about twenty vans and six trailers using Buck's Drove each day for half of the year, together with car movements by the drivers for each commercial vehicle. Altogether, it estimates that these would generate about 8380 trips forming 36% of the total vehicle trips along Buck's Drove per year. These figures have not been disputed by the appellant.
14. The appellant states that the building would not result in any increase in vehicle movements. The Council though considers that the transition from an open land use to a site with significant buildings has the potential to increase traffic generation and that the surface of Buck's Drove where it meets the Herne Road is already inadequate for safe access. However, I have been provided with no evidence by the Council regarding how, and by how much, it considers that the building would increase vehicular movements to and from the site.
15. Drawing FC28/2A shows the building accommodating space for only six vans while being manufactured, repaired or maintained together with a small office and store. Within the context of the site as outlined by the Council, this would be a minimal number. Furthermore, given the proposed use it is unlikely to lead to daily traffic movements. Therefore, in the absence of any substantive evidence from the Council, given the number of existing trips generated by the business, I am satisfied that, even if there were to be an increase in vehicle activity in association with the building, it is unlikely to be at a level causing material harm to highway safety.
16. For the reasons above, therefore, I conclude that the proposal would not be harmful to highway safety. There would therefore be no conflict with paragraph 32 of the National Planning Policy Framework (the Framework) which requires, amongst other things, that a safe and suitable access to the site can be achieved for all people.

Other matters

17. Policy En17 of the Local Plan requires that outside the defined village environmental limits, development is restricted to that essential to efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services. The use of the site does not meet any of the criteria of the Policy and therefore the building would be contrary to the requirements of the Policy. However, the building serves an existing B2 business use on the site which the Council has confirmed is immune from enforcement action. Policy E7 of the Local Plan supports the development of small businesses subject to traffic and environmental considerations, which I have already found to be acceptable.
18. The layout on drawing FC26/1A shows the provision of 10 on-site parking spaces. The imposition of a condition requiring the spaces to be provided and retained should ensure that off- site parking does not occur.

19. I have noted the comments of local residents regarding the number of existing vehicle movements and the consequent noise, disturbance and deterioration of the condition of Buck's Drove. However, my attention has not been drawn to any way in which the existing operation of the site is subject to conditions or limits regarding vehicle movements. Furthermore, it is my consideration that, for the reasons set out above, the proposal would not result in harm to highway safety. Therefore, I do not consider that improvement works to Buck's Drove are required to make the proposal acceptable in planning terms, notwithstanding it might provide some benefits for local residents. Moreover, if there were to be any increase in traffic movements, they would not create noise and disturbance that would be materially above that already occurring
20. I have noted residents' comments regarding noise and potential lighting concerns. A condition could be imposed requiring details of any proposed lighting to be agreed by the Council. The building is located a substantial distance from the nearest residential property. As such the intervening distance ensures that noise from activity on the site is not materially harmful to the occupiers of the closest houses.

Conditions

21. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. For reasons of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans as it has not yet been complete on site.
22. Conditions regarding materials, lighting and landscaping are necessary in order to protect the character and appearance of the area. A condition requiring the layout, implementation and retention of parking is necessary to protect highway safety. I have not included the restriction on parking on Buck's Drove as I do not consider it to be necessary or reasonable given the parking available on site.
23. Conditions requiring details of foul and surface water drainage are necessary to protect the quality of the water courses and prevent local flooding.

Conclusion

24. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Cannata Location Plan, FC26/1A, FC28/2A, c8184-G[1]C, c8184-G[2]-C, c8184-G[3], c8184-G[4] except in respect of the elevations of the proposed open storage shed for ice cream vans shown on plan FC26/1A.
- 2) The external cladding of the building shall not be carried out until details of the type, colour and texture of all materials to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3) The external cladding of the building shall not be carried out until full details of hard and soft landscape works, including a timetable for the works and planting, the size and height at the time of planting of all plants, planting specification, plant establishment and maintenance and all means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) If within a period of 5 years from the date of the planting of any tree or hedging plant, that tree/plant, or any tree/plant planted in replacement of it, is removed, uprooted or destroyed or dies, another tree/plant of the same species and size as that originally planted shall be planted at the same place in the next available planting season, unless the Local Planning Authority gives its written consent to any variation.
- 5) The external cladding of the building shall not be carried out until details of all external lighting have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details and no other external lighting shall be installed unless approved in writing by the local planning authority.
- 6) The vehicle manoeuvring, parking and overspill parking areas shown on the site plan on drawing number FC26/1A shall be provided in accordance with the layout shown on the drawing and the details approved under condition 3 before the building is brought into use. They shall be retained and kept available for their intended purposes at all times thereafter.
- 7) The external cladding of the building shall not be carried out until a scheme of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved scheme before the building is brought into use.
- 8) The construction of external hard landscaped areas (including vehicle parking and manoeuvring areas) shall not commence until details of the surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details before the building is brought into use.