



Appeal Decision

Site visit made on 12 December 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 4th January 2018

Appeal Ref: APP/M3455/W/17/3179602
Bellerton Lane, Norton, ST6 8ED

- 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 Mrs J Taft against the decision of Stoke-on-Trent Council.
 - The application Ref 60723, dated 10 January 2017, was refused by notice dated 3 March 2017.
 - The development proposed is described as “amended updated retrospective planning application following refusal of application No 60573/FUL. Use of land at the rear of industrial units, for parking of HGV trailers, containers, used cars for repair and maintenance of stock racing cars and 3 containers for storage and work shop”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal site is located to the rear of existing industrial units that front onto Bellerton Lane. A high quality public footpath runs along its south eastern boundary and connects Bellerton Lane to Bur Tree Drive, and the open space beyond.
4. The appeal site has limited visibility from Bellerton Lane, and is partly surrounded by a bund that restricts its visibility from the south and west. However, it is prominent in views from the nearby public footpath and 3 storey dwellings to the south east, and is also clearly visible from along Longfellow Close. From these vantage points, the parked cars and containers (some of which are in poor condition) create an untidy appearance that contrasts with the adjoining residential areas. The proposed additional HGV containers and any further open storage would lead to a further deterioration in this regard, and would significantly detract from the visual quality of the area. Whilst additional HGV containers and a conifer hedge are proposed to provide screening, I share the Council’s concern that the containers would contribute to a poor quality appearance. Any conifer hedge would also take a number of

years to grow to a sufficient height to provide an effective screen, particularly given the height of the parked HGV containers.

5. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy CSP1 of the Newcastle-under-Lyme & Stoke-on-Trent Core Spatial Strategy 2006-2026 (2009), and guidance contained within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010). This policy and guidance seek to ensure, amongst other things, that new development respects its context and contributes towards the character and quality of the area.
6. The Council also refers to Policy CSP3 of the Core Spatial Strategy in its Decision Notice. However, that policy relates to sustainability and climate change, and it is unclear how the appeal development is in conflict with it.

Living conditions

7. The appeal site is located close to existing residential properties to the west, south, and south east. These properties include 2 storey houses that back onto the bund, and 3 storey dwellings positioned to the south east.
8. The proposed use is largely open in nature and no substantial buildings would be located on the site. There are currently several metal containers within the site, and it was evident on my visit that at least one of these is used as a workshop. I note that the Council has received a number of complaints about the noise generated by the use, and that these complaints led to enforcement action being pursued. A number of objections were also submitted to the planning application regarding noise and disturbance. However, it is unclear to what extent the proposed containers would limit the noise produced by repair and maintenance works to the cars. In this regard, there is no evidence before me to demonstrate that these would provide an adequate level of noise attenuation, or any significant reduction in the noise associated with the development. Moreover, it is unclear whether these units would be adequately ventilated so as to allow repair works to be undertaken with the doors closed. The extent of repair / maintenance works that would still take place outdoors is also unclear. In these circumstances, and based on the evidence before me, I am not persuaded that the development would have an acceptable effect on the living conditions of neighbouring residential occupiers, even if a condition restricting the hours of operation were attached.
9. The site has previously been used for industrial purposes. However, the previous use was housed within a substantial building that would have provided a significant degree of noise attenuation. That is not the case here.
10. My attention has also been drawn to a number of uses that operate from within the industrial buildings to the north. However, those uses are also housed within substantial buildings and have limited outdoor space available to them. They are also positioned further away from the nearby residential properties. Moreover, the Council state that a number of the recent changes of use did not require planning permission, and were therefore beyond its ability to control. Accordingly, these units / uses are not directly comparable to the current appeal proposal.

11. The appellant further states that the existing bund should have been extended around the south eastern edge of the appeal site when the nearby residential estate was built. However, the position of the bund is now fixed and I must assess the appeal development against its current context.
12. For the above reasons, I conclude that the development would significantly harm the living conditions of neighbouring occupiers with regard to noise and disturbance. It would therefore be at odds with the National Planning Policy Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

13. For the reasons set out above, I conclude that the development would significantly harm the character and appearance of the area, and the living conditions of neighbouring occupiers with regard to noise and disturbance. Whilst the development would provide some additional security to the site and would re-use previously developed land, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR