
Appeal Decision

Site visit made on 11 June 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/V2635/W/19/3220293

Land to north of Clear View, Long Road, Terrington St. Clement, PE34 4JL.

- 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 T M Browne Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/01218/F, dated 3 July 2018, was refused by notice dated 2 November 2018.
 - The development proposed is change of use of land and buildings to commercial storage and construction of new shed.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council has noted that the final sentence of the refusal reason should read 'Policies DM1, DM2 and DM15 of the Site Allocations and Development Management Policies Plan 2016.'

Main Issue

3. The main issue is the suitability of the appeal site and buildings for commercial storage and construction of a shed in a countryside location.

Reasons

4. The starting point must be the development plan policies for the area. From my consideration of the material placed before me, it appears that the most relevant policies of the development plan in this case are Policies CS01, CS06 and CS10 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016. In addition the National Planning Policy Framework (the Framework) is of relevance as I mention in paragraph 6 below. In connection with the Framework, whilst the Core Strategy was adopted in July 2011, before the Framework was first published, it should not be regarded as out of date for that reason. Its policies should be accorded weight according to the extent of their degree of consistency with the Framework.
5. I briefly set out the gist of the relevant parts of these policies. Policy CS01 sets the strategy that seeks to balance protecting and enhancing the built and natural environment, whilst facilitating sustainable growth, including

encouraging economic growth in the most appropriate locations. Policy CS06 deals with development in rural areas, seeking to maintain local character and a high quality environment, focusing most new development in key rural service centres, ensuring that employment, housing, and services/facilities are in close proximity. Under Policy CS10 – Rural Employment Exception Sites – permission may be granted for an employment generating use that meets a local business need, subject to criteria that include that it should be adjacent to the settlement. Policy DM15 requires that development must protect and enhance the amenity of the wider environment.

6. As to the policies of the Framework, paragraph 170 requires that planning decisions should contribute to and enhance the natural and local environment by among other things, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Paragraph 80 places significant weight on the need to support economic growth, and the relevant part of paragraph 83 states that decisions should enable the sustainable growth and expansion of all types of business in rural areas. Paragraph 84 encourages planning decisions that recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings; the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The appeal site is not 'isolated' in the sense used in paragraph 79.
7. The appellant company, T M Browne Ltd, explains that they are based near to the site. They have seen a considerable expansion in recent years and are probably the largest employer in the local community. This is very important, as rural areas are notoriously difficult to attract employment. They offer a construction business and a full spectrum of repairs and maintenance: commercial, domestic and industrial. As part of this service they offer a garden maintenance and landscaping business. This involves the storage of equipment to cut grass, and some materials would be stored at the site. This is sizable equipment and is in seasonal use. The application seeks to build a storage building to keep this equipment secure. Some of the existing buildings would be renovated as part of this. The equipment would be taken out at the beginning of the day and returned at the end of the day. The buildings would be used only for storage. No maintenance is planned to be carried out from the building.
8. The appeal site is agricultural land (no other lawful use having been established), and therefore is not previously developed land. It is some distance from the development boundary of Terrington St Clement and is situated at the end of a ribbon of development which is otherwise in open countryside. According to the Council it is 3.4km as the crow flies from the company's base on the southern side of the A17.
9. The design of the building would not be out of character with agricultural buildings, but a full scale B8 storage use of the proposed building and site would entail considerable mileage for the commercial vehicles that would be involved, which would be out of place with the countryside location and likely to be harmful the living conditions of the neighbouring residential occupiers.

Whilst a condition could restrict outside storage, this would not be sufficient in its self to overcome possible problems.

10. I accept that the appellant company's present intentions are much more low key, involving perhaps morning and evening visits to collect and return gardening/landscaping machinery and equipment. However the sizable storage shed and the renovation of existing buildings provides much scope for a future change of business plan, or change of ownership, either of the company or the site. The circumstances of this case are not such that a permission, personal to the company, could be given, and I do not see how a B8 use of the land and building could be conditioned to ensure that the use did not go beyond the intensity and nature of the use intended at present by the company. I do not accept the appellant's suggestion that the difficulties of control should not influence a planning decision, and that the application should be judged on its merits and not the possible future use. The judgement that I make is based on the description of the development that would be permitted and its ramifications.
11. The site is in an inappropriate and unsustainable location for a commercial storage unit. That, together with the difficulties of applying suitable planning control that I have outlined, means that the main elements of Policies CS06, CS10 and DM15, together with Framework paragraph 170 outweigh the policy encouragement for economic growth in Core Strategy policy CS01 and Framework paragraphs 80, 83 and 84.

Conclusion

12. I have taken account of all other matters raised, but none contradict the balancing that I have carried out of the policies with the needs of the appellant company. The appeal is dismissed.

Terrence Kemmann-Lane

INSPECTOR