The Planning Inspectorate

Appeal Decision

Hearing Held on 18 June 2019
Site visit made on 18 June 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/A2470/W/18/3218899
Ram Jam Inn, Great North Road, Greetham LE15 7QX

- 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 Godwin Developments against the decision of Rutland Council.
- The application Ref 2018/0539/FUL, dated 4 June 2018, was refused by notice dated 25 October 2018.
- The development proposed is the demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Both main parties have agreed the proposal's description above which has been changed from the original planning application description in the interests of accuracy. A Unilateral Undertaking (UU) dated 18 June 2019 details a contribution for replacement trees in lieu of the apples trees, subject to a Tree Preservation Order, proposed to be felled, on the site and the taking of grafts from them for future propagation within Greetham Parish. This shall be commented upon in this decision.

3. Historic England (HE) undertook a site visit shortly before the hearing and issued a report on 2 August 2019. Main parties had agreed to wait for this report which has been taken into account in this decision, along with associated party comments, including third party and parish council.

Main Issues

4. The main issues are the effect of the proposal on (a) the character and appearance of the area, having regard to the heritage status of the inn building and trees, and (b) the highway safety of pedestrians, cyclists and drivers.

Reasons

Policy background

5. Policy SP7 of the Council's Site Allocations and Policies Development Plan Document (DPD) 2014 states sustainable development will be supported in the countryside where it is for certain developments, mainly rural-based. This includes essential investment in infrastructure including road side services for

public safety purposes. This is provided, subject to amongst other matters, that such investment would not be detrimental to the character and appearance of the landscape and visual amenity.

6. The policy seeks to accommodate sustainable development in the countryside whilst at same time conserving and enhancing the natural environment which is reflective of the National Planning Policy Framework (NPPF). However, it does not match the more positive vision of the NPPF in supporting the expansion of all types of business in rural areas. It also does not match its broader vision supporting an appropriate mix of uses across an area to minimise the number of trips needed, such as shopping, and the identification and protection, where there is robust evidence, of sites and routes which could be critical in developing infrastructure to widen transport choice. For these reasons, the policy is inconsistent with the NPPF and out-of-date. The tilted test set out in NPPF paragraph 11 d ii will therefore apply, and the weight to any policy conflict would be moderate.

Character and appearance

7. The appeal site comprises the former Ram Jam Inn, as extended, hard surfaced areas and grassland. The inn is partially stone constructed, with gables facing onto a main road (the A1), joined by a three bay central section. The hardstanding mainly lies adjacent to a petrol filling station (PFS), with a commercial garage and convenience store, which is accessed off the A1. The garage has workshop buildings and parking areas behind it accessed from the Greetham Road, the B668. There is a vehicular access road from the B668 to the A1 through the hardstanding area.

8. The HE report identifies that the inn is not worthy of listing. It is acknowledged as an iconic historic building on a main entry to Rutland. It was used as a coaching inn to serve the stage coach traffic travelling along the Great North Road between London and Edinburgh, and it is one of the last remaining examples alongside this road. It is clearly highly regarded by local people, partly due to a purported association with Dick Turpin, and has recognition further afield, with connections to the American singer Geno Washington and the eponymous club in Brixton.

9. Nevertheless, the exterior only in part retains a coaching house form due to significant extensions and alterations. There is some ornate plasterwork within the building, but this only reflects a 'olde English' idiom of the interwar years. The interior of the building has not survived leaving little evidence of its original form or how it functioned. As a result, there is little heritage significance that can be attached to the building and a designated or non-designated heritage status cannot be justified.

10. Within the appeal site, there is a group of protected apple trees between the hardstanding and access road, garage and store buildings. Closer to the A1, there is a nearby protected Ash tree. There is a strong landscaped boundary of trees alongside the site's rear boundary adjacent to the B668 and within the site, adjacent to a car parking area serving the garage. There is grassland behind the extended inn and outside of the appeal site, further grassland and trees close to the inn building to the north. Beyond this, there is a road spurring off the A1 which joins up with the B668. Whilst the A1, along with the PFS and the inn development are conspicuous features, the surrounding area is attractively rural with fields, substantial hedgerows and trees.

11. The proposal would result in the demolition of the inn with its extensions and replacement with four commercial units, approximately 972m^2, of contemporary design using extensive timber glazing and glazing. The four units would be sited around the edge of the site with a hard surfaced area located centrally. This would comprise access, including drive-thru, and parking for up to 88 parking spaces. Additionally, there would be some drive-thru hard surfaced areas between the buildings and site boundaries.

12. Existing boundary trees along the B668 boundary would be retained and reinforced with additional planting. Trees between unit 2 and the parking area serving the garage workshop would be mostly retained and there would also be a hedge between it and the garage. Additional landscaping, including shrub and tree planting, would also be planted at the entrances into the site and the northern open countryside boundaries.

13. However, there would be a substantial extent of unbroken hard surfacing and buildings across the site, which, along with parked vehicles, would result in a dominant and oppressive environment. There would be little visual relief to this with landscaping generally marginalised to the outer peripheries of the site. Such a built-up layout would be visually unattractive and a marked change from the existing situation with trees, including a protected group of apple trees, and grassland behind the inn. Under the UU, the proposed replacement of the trees with provision elsewhere some distance away would do nothing to compensate for loss on the site itself.

14. The PFS buildings are largely utilitarian in appearance due to their functional design. By reason of design, the recent hotel extensions to the inn are not of great architectural merit. However, the frontage part of the building with its stone construction still has attractive traditional visual qualities, notwithstanding its limited significance in heritage terms. As a result, the existing development does possess local distinctiveness and a sense of place despite its disuse because of its local vernacular construction and landscaped nature. The contemporary designed development, including the buildings and hard surfacing, have no such qualities and for the reasons indicated, the proposed development would be dominating and oppressive.

15. The Appellant's Tree Protection Plan shows a curved fence around the protected Ash Tree. Although this design is unusual, there is no reason why this issue cannot be resolved by a planning condition, even if it is due to the scale and manner of annotation on the plan. Hardstanding would not encroach significantly into a Root Protection Area of an unprotected Ash tree sited just beyond the northern boundary of the site.

16. Notwithstanding the findings on heritage asset status and the trees, the harm to the character and appearance of the area would remain significant by reason of the unsightly over-development. Consequently, the proposal would be contrary to policy CS19 of the Rutland Core Strategy Development Plan Document (CS) 2011 and policy SP15 of the DPD, which amongst other matters, requires all new development to contribute positively to local distinctiveness and a sense of place, being appropriate and sympathetic to its setting in terms of scale, density, layout, appearance and materials. In terms of DPD policy SP7, the development would be essential investment in infrastructure road side services for public safety purposes, but it would be detrimental to the landscape and appearance, and visual amenity

considerations for similar reasons. As indicated, the weight to this policy conflict would be moderate.

Highway safety

17. The existing site can be accessed off the A1 and the B668. There is a right of access through the neighbouring PFS to the site which is accessed off a slip road off the northbound A1. During its operational years, the inn had a pub/restaurant area, ancillary facilities such as a bar and kitchen, and hotel accommodation.

18. The proposed commercial units would have up to 88 car parking spaces. At any one time, 35-40 staff would be employed on the site and employees would have limited access to public transport. However, the provision would comfortably exceed highway parking standards for food retail, the nearest similar use within the County's parking standards. A submitted travel plan also sets out how each unit would employ a travel plan coordinator who would survey staff and implement a travel plan for each unit to seek reduced staff vehicles to the site by 10% over a 5 year period. Such a plan could include vehicle-sharing and could be conditioned. Additionally, there would be some cycle storage provision on the site.

19. The Appellant has produced a vehicle parking accumulation flow analysis which indicates a peak parking need between 1200-1300 hours of 75 spaces. This assumes a worst possible case scenario of staff making no use of more sustainable modes of transport and thus provision for 40 staff spaces. Inevitably, there will be some above average sized motor vehicles, such as minibuses, which might take up more than one space. However, even taking into account these worst possible scenarios, site parking provision has been shown to be sufficient. Swept path analysis shows satisfactory tracking of a minibus throughout the layout. A servicing Management Strategy would be drawn up to ensure deliveries of good take place outside of peak times as there are no specific off-loading areas proposed. It will also specify routes to the site via the B668.

20. Local concerns have been expressed about the safety of drivers entering into the site via the PFS, especially with parked vehicles there, and egress from the site using the existing slip road given traffic speeds and the volume of traffic along the A1. However, northbound access could additionally be achieved via the A1 slip road to the B668 located to the south of the PFS which would enable access to the site from the B668 to the west. Southbound traffic could leave the A1 via the Oakham (B668) southbound slip road, then travel west and south at the two roundabouts underneath the A1, respectively, and similarly access the site from the B668 to the west.

21. There is also an existing use established on the site which would generate a certain amount of traffic. Taking this into account, a Transport Assessment clarifies that additional 38 and 39 vehicle movements during the peak am and pm periods will be generated compared to a full functioning inn facility. The Appellant is also in discussions with both the County Highways and Highways England about signage to the development. There have been no objections from Highways England (HE) to the proposed access/egress from and onto the A1. Given their considered response, significant weight is given to their comments in the absence of any soundly based evidence to the contrary.

22. For all the above reasons, there would not be any unacceptable impact on highway safety nor would the residue cumulative impacts on the road network be severe. Such a conclusion concurs with both statutory consultees, County Highways and HE. Accordingly, the proposal would comply with policy CS18 of the CS and policy SP15 of the DPD (in respect of highway matters).

Other matters

23. There are a number of roadside facilities, including along the A1, at Great Casterton, Scotgate, Peterborough, Colsterworth, Newark, Grantham and Markham Moor. However, many of these sites relate to PFS and some are in distinctly urban contexts. There is also an absence of any plans or documentation to demonstrate that they are comparable in terms of number and type of units, extent of hard surfaced areas between units, context and policy background when they were permitted. In any case, every proposal has to be considered on its particular planning merits.

24. In August 2017, planning permission had been granted for the partial demolition of the inn's extensions/additions, change of use of the inn building and two 2 storey buildings in mixed commercial business use. One of the new buildings would be on the hard surfaced area adjacent to the garage whilst the other would be located to north of the site behind the inn. The floor space at approximately 1639 m^2 would be greater than that of the appeal proposal. Under this permission, the two new buildings would be two storey, industrial design with cladding, brick and render facework and one of these would be alongside the open northern boundary of the site.

25. There is a greater than theoretical possibility that this permitted development would take place if the appeal proposal was rejected. However, the permitted development would be far less dominating and oppressive due to the presence of more landscaped areas, including the protected apple trees, and the retention of the frontage part of the inn building, with its attractive local vernacular qualities. Consequently, the implementation of the permission would not result in greater harm than the appeal proposal in terms of its effect on the character and appearance of the area, and the fall back position would have limited weight in favour of the proposal.

26. No detailed scenario has been put to me but this previous permission could be implemented in part. The new buildings and associated parking areas could be built at the expense of the change of use of the inn and the construction of the associated parking areas. Alternatively, one of the new buildings could be built with construction of associated car parking areas as well as the change of use of the inn building and the construction of associated parking areas. Either way, there would be a less developed quality to the site with more landscaped areas, either planned or left as existing, and retention of the frontage part of the inn building.

27. Department for Transport Circular 02/2013 states that the maximum driving distance between services should be 30 minutes but that distance can be shorter. Indeed, Councils are required to consider the merits of spacing of sites beyond conformity with the max and min criteria established for safety reasons. Both County Highways and Highways England are generally supportive. There would be highway safety benefits arising from this proposal in providing refreshments and rest for drivers. However, the planning

permission on the site permits refreshment facilities, namely a coffee shop/café, albeit smaller in extent.

Planning Balance

28. There would be harm to the character and appearance of the area in conflict with policy CS19 of the CS, and policies SP15 and SP7 of the DPD. There would be no harm arising from matters of highway safety and thereby no conflict with policy CS18 of the CS and policy SP15 of the DPD in this respect. However, the harm to the character and appearance would be significant and long-standing. Consequently, despite the reduced weight to the DPD SP7 policy conflict, the proposal would conflict with the development plan as a whole.

29. The development would generate up to 160 local jobs, in addition to short term construction jobs. The roadside facility would serve the strategic road network, complimenting the adjacent PFS, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal would regenerate a vacant, brownfield site which would make efficient use of land. Such economic, social and environmental considerations would accord with national policies of the NPPF that require decisions to build a strong competitive economy, promote sustainable transport and make effective use of land. Such benefits would weigh heavily in favour of the proposal.

30. The inn does not merit the status of a designated or non-designated heritage asset. Reduced weight has been given to the proposal's conflict with DPD policy SP7. However, the NPPF still requires development to be sympathetic to local character and history of the site, including the existing built development and landscape setting, which there would be a conflict with, due to the unbroken expanse of built form across the site. Importantly, the development would not establish or maintain a strong sense of place. The arrangement of streets, spaces, building types and materials would not create an attractive, welcoming and distinctive place to live, work and visit. The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. For these reasons, such design failings would be determinative for this particular proposal. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

31. In summary, the harm to the character and appearance of the area would be significant and overriding for all the reasons indicated. Taken together, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

Conclusion

32. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

K Garvey	Counsel, Kings Chambers
R Huteson	Rapleys
E Hobday	Bea Landscape Design Ltd
A Forte	Mode Transport Planning

FOR THE LOCAL PLANNING AUTHORITY:

D Burbeary	Rutland County Council

OTHER INTERESTED PARTIES

D Hodson	Greetham Parish Council
N Begy	County Councillor
R Harrison	Local Resident
Y Harrison	Local Resident
J Lessey	Local Resident
K Patel	Local Resident
B Salmon	Local Resident
A Jenkins	Local Resident
M Harris	Local Resident
G Hodson	Local Resident
S Cardew	Local Resident
J Cardew	Local Resident

DOCUMENTS SUBMITTED DURING HEARING

1. Desk-based Heritage Assessment, University of Leicester, June 2019
2. Landscaping Proposals (Annotated site plan), BEA Landscape Design Limited, drawing number 18-09-02 Revision G.
3. Tree Protection Plan extract for T08, updated to reflect latest layout.
4. Technical Note, Proposed Parking Accumulation Assessment, Mode Transport Planning, June 2019.
5. Statement of Common Ground, dated and signed 18 June 2019.
6. Extract of BS 5837:2012, Permanent hard surfacing within the RPA, paras 7.4.1 & 7.4.2.
7. Principal Vehicular Routes, Proposed works to Forecourt Shop, drawing number CO8KO2.
8. Photographs of PFS and A1.
9. Section 106 agreement dated 18 June 2019.
10. Closing speech of Greetham Parish Council.
11. Partial approved plans for planning permission 2017/0278/FUL.

DOCUMENTS SUBMITTED AFTER HEARING

12. Title deed and plan.
13. Full set of approved plans and Flood Risk Assessment for planning permission 2017/0278/FUL.
14. Transport Technical Note (Highways England & Additional Information Requests, dated 18 Oct 2018) and access detail plan (previously submitted with the lodging of appeal 18 December 2018).
15. Historic England (HE) spot-listing report, dated 2 August 2019.
16. Third Party representation, Mr and Mrs Harrison, dated 30 July 2019.
17. Third Party representation, Councillor N. Begy, dated 31 July 2019.
18. Greetham Parish Council representation, dated 23 August 2019.
19. Appellant's response to the HE spot listing report and further correspondence dated 20 August and 2 September 2019.
20. Rutland County Council response to HE spot listing report 2 September 2019 (no comments).