
Appeal Decision

Site visit made on 11 December 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/V0510/W/19/3237780

14 Second Drove, Little Downham CB6 2UD

- 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 Malcolm Roberts against the decision of East Cambridgeshire District Council.
 - The application Ref 18/01770/FUL, dated 12 December 2018, was refused by notice dated 25 March 2019.
 - The development proposed is described as 'change of use for existing agricultural storage shed. Used for storing/repairing own vehicles, has developed through repairing/modifying friends vehicles etc into a business opportunity and want to take advantage of this to provide continued earning potential on site'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On my site visit I could see that the appeal building contained a few cars and an array of equipment which corresponds with the development description of the proposal set out in the banner heading above. The application form also confirms that the change of use has already taken place. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the development is appropriate in this countryside location.

Reasons

4. The appeal site comprises an area of hardstanding which fronts an 'agricultural type storage shed', which was recently approved by the Council¹ (the planning permission). There is no dispute between the main parties that the appeal site lies outside a defined development envelope as set out in the East Cambridgeshire District Local Plan 2015 (the Local Plan) thus, for the purposes of planning policy, it is in the countryside.
5. Policy EMP4 of the Local Plan concerns 'the re-use and replacement of existing buildings in the countryside'. However, the appellant has not confirmed that the building was ever used as originally intended and, based on all the available evidence before me, I have reason to doubt that the planning

¹ East Cambridgeshire District Council planning reference - 18/00177/FUL

permission was properly implemented with regards to the use of the appeal building and its originally intended purpose. Furthermore, it has not been demonstrated that the use granted by the previous planning permission is no longer required. Consequently, I agree with the Council that the development does not involve the re-use of an existing building for the purposes of the Local Plan, thus Policy EMP4 is not applicable in this case.

6. Of relevance, however, is Policy EMP3 of the Local Plan which supports new development for small scale business uses closely related to the built framework of a settlement, subject to several criteria. One of the purposes of Policy EMP3 is to ensure that small scale business developments align with the locational strategy set out in Policy GROWTH 2 of the Local Plan which seeks to ensure that growth takes place where it is needed, where it is deliverable, and where it is sustainable. In context of this appeal, both policies exist to protect areas located outside defined development envelopes from inappropriate forms of development. The appeal site lies some distance from the built framework of the nearest settlements of Littleport, Little Downham and Pymoor.
7. Paragraph 84 of the National Planning Policy Framework (the Framework) recognises that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport. However, the appellant has not explained, nor is it clear to me, how the appeal site location contributes to the local business and community needs of the locality. There is nothing in the evidence before me to suggest that the vehicles repaired at the appeal site are close to the point of demand, so as to represent a sustainable employment location. Therefore, the countryside location of the development does not align with Policy EMP3 of the Local Plan.
8. I saw on my site visit residential uses along with several other commercial uses close to the appeal site which gives the area a partly commercial character. I do not know how the commercial uses came to be, or their planning status. Nevertheless, it remains that the development does not fall within a defined development envelope. The appellant has not provided me with any details to support his contention that there are no suitable buildings in the area within which the use could be undertaken. Therefore, it has not been demonstrated that there is a lack of suitable buildings and sites within defined settlements, contrary to the requirements of Policy EMP3.
9. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires me to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. In this regard, I find that the development is detached from the built framework of other settlements and is not appropriate in this countryside location. The development is in conflict with Policy EMP3 of the Local Plan which requires, amongst other matters, that small scale business developments are located close to existing built frameworks of settlements where there is a lack of suitable buildings within the existing settlements, or where there is a shortage of suitable buildings to reuse in the countryside close to settlements.

Other Matters

10. The appellant states that the use could be restricted in scope, so that one of the employees is an immediate family member of the appellant who resides in the adjacent lying property at No 14. It is also put to me that the location of

the use would negate the need for the appellant's family member to travel to another place of employment. However, the appellant has not demonstrated a need for the development in this location for the reasons given. Therefore, this is a matter which carries limited weight in favour and does not outweigh the harm I have identified.

11. It is put to me by the appellant that there would be little discernible difference between the use of the appeal building for the storage and maintenance of agricultural equipment as permitted and the current use. However, the appeal proposal involves a B2 use² unrelated to the consented agricultural use of the building. For the reasons set out, I find that this use is in conflict with the development plan.
12. In light of other commercial uses nearby and considering the lack of objection from the Council's highways consultant, I have no reason to depart from the Council's overall conclusion that the development would not be detrimental to highway safety.
13. Concerns have been raised by a third party relating to noise and general disturbance from the use. However, if I was minded to allow the appeal, there would be the potential to impose planning conditions in order to control the hours of operation, limit the number of employees and secure additional noise insulation measures within the appeal building. Nevertheless, as I am dismissing the appeal for the reasons given, I have not explored this matter any further.

Conclusion

14. I conclude that, for the reasons given, the appeal is dismissed.

Matthew Woodward

INSPECTOR

² See The Town and Country Planning (Use Classes) Order 1987 (as amended)