



Appeal Decision

Site visit made on 9 December 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2020

Appeal Ref: APP/W3005/W/19/3237513

Land to rear of 5, 7 and 9 Market Street, Huthwaite, Nottinghamshire NG17 2LB

- 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 J Roy against the decision of Ashfield District Council.
 - The application Ref V/2019/0358, dated 30 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is described as 'proposed change of use to form secure, fenced enclosure to accommodate 15 No 20'x8' metal storage containers to be let out to general public. Location of fencing, gates & containers as indicated'.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of land to accommodate 15 no. 20' x 8' metal storage containers to be let out to the general public, within a secure fenced enclosure at Land to rear of 5, 7 and 9 Market Street, Huthwaite, Nottinghamshire NG17 2LB in accordance with the terms of the application, Ref V/2019/0358, dated 30 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250 received 03/06/2019; Site Layout Plan Scale 1:500, received 27/06/2019.
 - 3) The storage containers hereby permitted shall only be used for the storage of private customers' domestic paraphernalia.
 - 4) No more than 15 storage containers shall be kept on the site at any time.
 - 5) The storage containers hereby permitted shall not be stacked at any time.
 - 6) Prior to the first use of the development hereby permitted the storage containers shall be painted a uniform dark green colour, and they shall be maintained as such thereafter.
 - 7) The area shown for car parking and turning on the approved site layout plan shall be hard surfaced in permeable paving before the development hereby permitted is first brought into use, and retained and maintained as such thereafter. That area shall thereafter be kept available at all times for the parking of customers' vehicles.

- 8) Operations shall be carried out, deliveries shall be taken at or despatched from the site, and customers shall be permitted on the site only between the following hours:
0800 – 1900 Mondays – Saturdays
0800 – 1600 Sundays

Procedural Matter

2. The description of development used in the banner heading above is taken from the planning application form. However, in order to ensure that the description accurately reflects the nature of the proposed development, and having sought the views of both Council and appellant on this, I have used a slightly amended description in my decision above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of surrounding properties, with specific reference to noise and disturbance, and to outlook.

Reasons

4. The appeal site is a vacant grass strip located within the designated shopping centre of Huthwaite. To the west is an existing commercial site including a garage and storage business, and to the south on Market Street a number of retail buildings, many of which are now empty. Dwellings on New Fall Street and Sherwood Street lie some distance away to the east and north respectively.
5. The proposal is to install 15 metal storage containers, measuring approximately 6m in length, 2.5m in width and 2.5m in height. These would be arranged in a line along the western boundary of the site. Car parking spaces would be provided at the southern end of the site, which would be accessed by the existing site entrance between Nos 7 and 9 Market Street.
6. From the information before me, the Council does not have objections to the principle of a storage business operating on the site, but refused the planning application because of concerns about the potential effects of the use on the living conditions of occupiers of neighbouring properties.
7. The surrounding area is mixed use in its character, and the appeal site itself is adjacent to a garage and other businesses which operate Monday to Saturday. From the evidence provided, the proposed use of the site as a storage business would not lead to a high turnover of customers visiting the site to deposit or collect their belongings. I accept that the use of metal storage containers could lead to some noise being generated by the opening and closing of their doors. However, given the relatively low frequency of customer visits which are expected, and that the rear of the nearest houses on New Fall Street are a substantial distance from the containers, this is unlikely to result in a consistent and intrusive level of noise which would be detrimental to neighbours' living conditions.
8. Similarly, the location of car parking within the site would be sufficiently distant from the neighbouring dwellings, and the number of customer visits expected would be sufficiently low, that the loading and unloading of vehicles would be unlikely to lead to a significantly harmful level of disturbance occurring to

neighbouring residents. The use of a condition restricting the site's hours of operation would ensure that the potential for disturbance at antisocial hours is removed.

9. The introduction of a row of storage containers would introduce a long solid built mass. However, although they would be seen from the rear of the neighbouring dwellings, the containers would be low in height, and bearing in mind the various fences and planting outside the appeal site they would mainly be visible only from a limited number of upper floor windows. As a result, their effect on the outlook of occupiers of those dwellings would be modest.
10. Nevertheless, the appellant has suggested that conifers could be planted around the northern and eastern site boundaries to screen the development. I consider that a modest scheme of landscaping along those lines, combined with a requirement to maintain the containers in a uniform colour, would mitigate any concern about the development's visual impact.
11. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of the surrounding properties. It therefore complies with the requirements of Policy ST1 of the 2002 Ashfield Local Plan, which seeks to ensure that development proposals do not adversely affect the character, quality, amenity or safety of the environment. I also consider that it would comply with the requirements of the National Planning Policy Framework which seek to promote an effective use of land and create a high standard of amenity for existing and future users.

Other Matters

12. I note concern about the impact of the proposed use on parking and traffic on Market Street. However, I understand that the number of visitors to the site would be modest. On that basis, I am satisfied that the proposed access and parking provision within the appeal site would be adequate for the level of use proposed.
13. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

14. The Council provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the Council's suggested wording. I have also sought the views of both parties on additional conditions which are necessary to define the proposed use of the site, to protect the character and appearance of the site and area, and to protect the living conditions of neighbouring occupiers.
15. To meet legislative requirements, a condition shall be imposed to address the period for commencement (1). I shall also impose further conditions for the following reasons.
16. In order to provide certainty, it is necessary to ensure that the development is carried out in accordance with the approved plans (2). Conditions to ensure that the storage units are used for private customers' domestic goods only (3) and limiting the number of storage containers permitted on site (4) are

necessary to control the use of the site. For the same reason, and to protect the appearance of the site and area, a condition preventing containers being stacked is necessary (5). A condition requiring the containers to be painted a uniform colour is necessary to protect the character and appearance of the site and the area (6). A condition requiring the defined car parking and turning area to be provided before the first use of the development is necessary both to protect the appearance of the site and to ensure that adequate customer car parking is available (7). Finally, in order to protect the living conditions of neighbouring residents from noise disturbance, a condition limiting the operating and opening hours of the site is necessary (8).

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

M Cryan

Inspector