
Appeal Decision

Site visit made on 10 March 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/Y2810/W/19/3241464

**Woodford Halse Social Club, 29 Hinton Road, Woodford Halse,
Northamptonshire NN11 3TR**

- 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 Yusuf Zengi against the decision of Daventry District Council.
 - The application Ref DA/2019/0386, dated 4 May 2019, was refused by notice dated 26 September 2019.
 - The development proposed is sale of burgers/kebabs from a mobile trailer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the development preserves or enhances the character or appearance of the Woodford Halse and Hinton Conservation Area.

Reasons

3. In May 2018 a temporary planning permission of 12 months' duration was granted (the original permission) to change the use of part of this social club's rear car park so it could be used for the siting of a mobile trailer for the sale of burgers and kebabs. The trailer is still in the car park. I was not told it has moved from the site since the original permission was granted, so assume it has remained there over the intervening period.
4. Planning permission is now sought to continue selling hot food from a trailer on the car park on a permanent basis. Since the grant of the original permission a cage for the gas cylinders and a white van for ancillary storage have been sited on the car park as well. These elements though have not been referred to on the application forms or in the appellant's submissions and appear to be outside of the appeal site identified on the submitted plan, with no scope for them to be accommodated within it. As such, they do not appear to form part of the development before me and so I have not addressed them in my reasoning.
5. Since the application subject of this appeal was refused planning permission, the conservation area has been designated and that includes the appeal site. Despite its designation at this late stage, under section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* I am still required to consider whether the works would preserve or enhance the character or appearance of this conservation area and their effect on its significance.

6. The significance of the conservation area lies in part in the way its buildings and the spaces in between show it to be a historic rural village that has evolved over time. This is reflected in its character and appearance, with its preponderance of older, individually designed buildings of a style and form sympathetic to such a context, separated by curtilages of varying sizes and intervening open space.
7. The existing trailer stands apart from the social club building. It has an angular form, a large panelled rear, photographs of its menu on the front and ventilation apparatus of an industrial, functional nature on its roof, while its back and sides are of a light, striking colour. Overall, it is quite tall. Together these factors mean it is an isolated, unsightly and discordant feature in this otherwise open piece of land that relates poorly to its historic surroundings, so causing harm to the character and appearance of the conservation area.
8. The appellant contended the site was in an established commercial area. However, with the exception of the social club itself and an adjacent allotment, it appears to be bounded by housing. Whilst the club has a large, relatively modern rear extension, that does not strongly respect the older development around and is a little distance away from the site of the trailer. Therefore, it does not provide a justification for the adverse development now before me. Similarly, the car park has a rough surface, but that is less obtrusive than the existing trailer. Moreover, even accepting that other vehicles could be parked in this car park, I have no grounds to expect they would be of this size or appearance, or would be there on the permanent basis now proposed. Consequently, the form of the trailer is not rendered acceptable by the built development around or the nature of the surroundings.
9. I accept that the trailer could be taken away when not in use, but there has been no indication that would occur and, as it is linked to the electricity supply of the social club, that seems unlikely. The trailer could also be replaced with a different one. However, no alternative designs have been submitted to satisfy me that if that did happen then my concerns would be allayed.
10. It is acknowledged as well that the trailer is not readily visible from the roads through the village. It is nonetheless apparent from the footpath that runs immediately behind it, the neighbouring allotments and, no doubt, the rear of nearby houses. To my mind the adverse impacts when seen from these locations are sufficient to consider harm would be caused to the conservation area's significance. One of the Council's suggested conditions proposed landscaping be introduced to mitigate the impact of the trailer, but the footpath runs so close and the intervening space is so narrow that I am not satisfied any planting would have a meaningful effect in this regard.
11. Finally, a concern was also raised about litter but when I visited that was not a problem and, of itself, I have no reason to consider it a reason for refusal.
12. I therefore find the development does not preserve the conservation area's character or appearance, and so causes harm, albeit less than substantial, to its significance as a designated heritage asset. I therefore turn to consider whether this harm is outweighed by any public benefits. The scheme no doubt results in some economic benefit from the trade it generates, whilst I assume the customers and staff consider there to be a social benefit. However, the weight I can afford to these is not great as both are unspecified, and so they do not outweigh the harm identified.

13. Accordingly, I conclude that the development fails to preserve the character or appearance of the Woodford Halse and Hinton Conservation Area, causing less than substantial harm to its significance as a designated heritage asset. In the absence of any public benefits to outweigh this harm I consider the scheme is contrary to Policies GN2 and EN42 of the *Daventry District Council Local Plan*, and Policy WH8 of the *Woodford cum Membris Neighbourhood Development Plan*, all of which seek to ensure development safeguards the character of an area. It would also be contrary to guidance in the *National Planning Policy Framework*.

Other matters

14. With regard to smell, I appreciate that statutory nuisance under the Environmental Health legislation is judged by a different test to that concerning whether, in planning terms, a scheme unacceptably affects living conditions. However, given the separation involved I consider the unit is unlikely to result in an unreasonable level of odour for those living nearby.
15. Turning to noise, I am aware that the trailer is on land associated with a social club and so I would expect a certain level of disturbance on the site in any event as patrons came and went, often no doubt late in the evening. Consequently, the additional activity connected with this use would not be unacceptable.
16. Finally, the access serves the social club's car park and so any further traffic using this to go just to and from the trailer would not compromise highway safety.

Conclusions

17. Accordingly, the appeal is dismissed.

JP Sargent

INSPECTOR