
Appeal Decision

Site visit made on 6 July 2020

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 July 2020

Appeal Ref: APP/Z2505/W/20/3244518

Oldham House Main Road, Wrangle, Boston, PE22 9AT

- 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 Darren Hughes (Shed Shed Sheds Limited) against the decision of Boston Borough Council.
 - The application Ref B/19/0107, dated 4 March 2019, was refused by notice dated 2 October 2019.
 - The development proposed is described as "Upgrading of nursery and farm shop to garden centre".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development on the application form, and as shown in the above banner heading, was amended during the course of the application to "change of use from nursery and farm shop to garden centre plus the manufacture and sales of sheds, fences, etc". However, neither of these descriptions fully described the proposed mixed use of the application site which includes the appellant's dwellinghouse. I wrote to the parties on this matter and neither objected to the proposal being described more accurately as *use for residential, garden centre, and manufacture and sale of timber products*. I have therefore dealt with the proposal on this basis.
3. During my visit to the appeal site I saw that the layout of the site differed in some respects to the appellant's 1/250 proposed layout plan, and that a caravan had been sited for residential use to the rear of the dwellinghouse. For the sake of clarity, it should be noted that my consideration of this appeal is based solely upon the use as described in the above paragraph and upon the submitted layout plan.
4. This appeal was previously linked to an appeal against an enforcement notice. The notice has since been withdrawn and so has no relevance to this appeal.

Main Issues

5. These are:
 - (i) the effect of the development on the character and appearance of the area; and

- (ii) the effect of the development on the living conditions of occupiers of neighbouring residential properties with particular regard to noise and disturbance.

Reasons

- 6. The roughly square shaped site is approximately 0.35Ha and lies within the countryside, not far from the main built up area of the nearest settlement of Wrangle, and fronts the main A52 road between Boston and Skegness.
- 7. Buildings on the site include the appellant's detached two storey dwellinghouse and rear garden, a single storey brick building to be used as a shop, a large greenhouse for housing plants and shrubs, and a timber and metal clad workshop within a compound area for manufacturing timber products. Open areas of hardstanding are proposed for storage, display of goods, loading/unloading and parking. There are residential properties located on the opposite site of the main road and one immediately adjacent the site.

Policy background

- 8. The Council acknowledge that the site constitutes previously developed land¹. Policies 1D and 7 of the South East Lincolnshire Local Plan (2019) (LP) provide in-principle support for new development at the appeal site location provided that it is necessary to such a location and/or it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Character and appearance

- 9. The former use of the site for mixed residential and nursery use, including a 'farm shop' established a character which was to a large extent commercial in nature and appearance. However, the Council are concerned that the scale, nature and characteristics of the proposed use are fundamentally different from the former use and would be likely to harm the character of the area.
- 10. In terms of visual impact the proposed use incorporates the retention of the house as a dwellinghouse, the former greenhouse for the display of plants and shrubs, the 'farm shop' for the garden centre sales, and the rear 'pack house' building as a workshop for the manufacture of timber products. The main elements of built form on the site therefore remain unchanged and would not result in any significant alteration to the character and appearance of the site or to the wider area.
- 11. Manufacturing aside, I accept that a garden centre and related product sales are different to that of a nursery. Nonetheless, in terms of the nature and characteristics of the garden centre element of the proposed use, and given the relatively small site area at this rural location, I do not consider that there would be any significant harm to the character and appearance of the area.
- 12. Additionally, the areas indicated for parking, loading/unloading and storage and display of goods around the site could be restricted to those specific areas, including restriction of height, through the imposition of suitably worded planning conditions. Appropriate boundary treatment and its future retention,

¹ The National Planning Policy Framework (2019), Annex 2, Glossary

details of any external lighting, deliveries to and from the site, and hours of operation could also all be similarly controlled through planning conditions.

13. Taking account of all these factors, and provided that any manufacturing takes place within the workshop building, I am satisfied that in purely visual terms there would be no significant harm to the character and appearance of the area.
14. However, manufacturing of the products referred to by the appellant would inevitably result in noise emissions. Noise and disturbance can also affect the character of an area. I turn to this next.

Living conditions of occupiers of nearby residential properties

15. The former nursery/shop use would also have included deliveries and loading/unloading. As explained previously, the noise and disturbance from such activities can be adequately controlled through planning conditions.
16. I note the appellant's comment that when the site was a thriving nursery there was some production in the workshop building of crates, pallets and planters for flowers. I am unaware of the scale of such production, but there is no convincing evidence before me to indicate that it was anything other than being relatively small scale in supporting the use as a nursery and farm shop.
17. However, the proposed use in this appeal includes the manufacture of fencing, gates, decking, sheds and other miscellaneous timber products as a primary and significant element of the intended mixed use of the site. As such, I consider it essential that noise from the use of machinery and tools on site, even if limited only to within the workshop building, do not unacceptably affect the living conditions of occupiers of nearby residential properties. An assessment of noise and its effects cannot in this case be left later to a planning condition. This is because the issue of whether noise can be adequately controlled and appropriately mitigated is critical as to whether planning permission should be granted at all.
18. Consequently, in the absence of evidence to the contrary by way of a noise assessment carried out by a suitably qualified person, I consider that the proposed development would likely result in an unacceptably adverse impact on the living conditions of occupiers of nearby residential properties resulting from noise and disturbance. It would thereby also adversely affect the character of the area.

Conclusion

19. Taking account of the above factors I conclude that the proposal would be significantly detrimental to the living conditions of occupiers of nearby residential properties, and to the character of the area, in conflict with the requirements of LP Policies 2, 3 and 30. As such, the sustainable development needs of the area in terms of environmental benefits have not been demonstrated in conflict with the requirements of LP Policy 1D.
20. For all the above reasons the appeal is dismissed.

Thomas Shields

INSPECTOR