



Appeal Decision

Site visit made on 28 July 2020

by P H Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2020

Appeal Ref: APP/P0240/C/19/3237669

Land at rear of 67 St Johns Street, Biggleswade SG18 0BT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Lewis McEwan against an enforcement notice issued by Central Bedfordshire Council.
 - The enforcement notice, numbered CB/EN/18/0526, was issued on 19 August 2019.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land from use as a former gasworks site to a use for the stationing of storage containers for self-storage.
 - The requirements of the notice are:
 - Cease the unauthorised use of the land.
 - Remove the storage containers from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be corrected by removing the words 'from use as a former gasworks site' from section 3 (the matters which appear to constitute the breach of planning control). Subject to this change the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. The allegation in the notice refers to the change of use 'from use as a former gasworks site'. However, I do not see that the site can have been in use for a former use. Accordingly, and since it is not necessary to specify the previous use in a change of use allegation, I have removed this reference from the notice. Since this minor change has no bearing on the nature of the allegation or the deemed planning application, no injustice to any party arises from it.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - its effect on the living conditions of neighbouring occupiers; and
 - whether the development is an efficient use of land.

Reasons

Character and appearance

4. The appeal site is bounded by a railway line to the east. To the south, St John's Street rises to the bridge over the railway and forms another strong boundary. As a result, the appeal site has a much stronger relationship to the residential roads to the north and west than to the land to the south and east.
5. Within this residential setting, the use of the site for the stationing of storage containers is out of character. The site had a number of rows of storage containers when I viewed it. The containers were all painted dark green and were in good condition. Many of them were sited along the site boundary, with greenery behind. Nevertheless, with their stark, utilitarian appearance, the large number of containers gave the site an industrial appearance that is incongruous in this residential area.
6. The location of the site means that views of it are limited and there are tall trees along much of the boundary. However, even when the trees are in full leaf, as they were when I saw the site, many of the storage containers are easily seen from the footway on the railway bridge. Views from here would be much more open in the winter in my judgement. Some of the containers can also be seen from Wilsheres Road, to the north of the site. Moreover, from the site I was able to easily see the first floor windows of a number of houses that back onto the site and the storage container use will be very apparent from these properties.
7. The appellant suggests that the appearance of the site could be improved with additional landscaping, something which could be secured with a planning condition. However, there is no scheme before me to show how this would be achieved and I am mindful that it might prove difficult to limit the elevated views into the site from the railway bridge and from first floor windows. The siting of many containers close to the boundary would also limit the options for boundary planting. Accordingly, the benefits of further landscaping have not been demonstrated.
8. For these reasons I conclude that the development has materially harmed the character and appearance of the area. This gives rise to conflict with Policy DM3 of the Council's adopted *Core Strategy and Development Management Policies* document which, amongst other things, seeks to ensure that developments contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials and also provide hard and soft landscaping appropriate in scale and design to the development and its setting.

Living conditions

9. The Council suggests that disturbance arises from the use of the site for storage. However, there is little evidence to demonstrate this. There will be some noise from vehicles visiting the site and I am mindful of the proximity of the site entrance to 67 St John's Street. However, the appellant estimates the number of visits to be only 20-30 per week and the Council has not suggested any different figure. Various matters relating to the management of the site (such as opening hours) could, as the appellant suggests, be controlled with a planning condition. The Council also says that it is not known if the storage

units comply with current guidance on noise, waste, vibration, odour, water, light and pollution. However, in the absence of clear evidence to the contrary, there is no reason to suppose that the use is harmful in these respects. Consequently, on the limited information before me, I find no conflict with Policy DM3 insofar as it relates to these matters.

Efficient use of land

10. The Council suggests that the use is not an efficient use of the land. However, there is no adequate explanation of why the Council has arrived at this view or any suggestion of an alternative use that would be more efficient. Indeed, as the appellant suggests, the use has brought dormant land back into use and no doubt provides a useful service to the local area. Accordingly, I find no conflict with Policy DM3 insofar as it deals with the efficient use of land.

Other considerations

11. The site has an industrial past, easily pre-dating the nearby housing, and was used for gas storage until the late 1980s. However, I have no evidence to show what the site could be lawfully used for now. Thus, the historic use of the site does not justify its current, unauthorised use.
12. I have had regard to the various conditions suggested by both parties, but am not persuaded that they would adequately address my concerns regarding the appearance of the site.

Conclusion

13. I have found no harm to the living conditions of local residents and accept that there is a benefit in bringing the land back into use. Nevertheless, these considerations do not outweigh the visual harm I have found and the consequent conflict with the development plan. Accordingly, I conclude that the appeal should not succeed. I shall uphold the corrected enforcement notice and refuse to grant planning permission on the deemed application.

Peter Willows

INSPECTOR