
Appeal Decision

Site visit made on 3 August 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2020

Appeal Ref: APP/L2820/W/20/3249963

Plot 3, The Truckstop, Orton Road, Rothwell NN14 6AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Rothwell Land Ltd against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0204, dated 21 March 2019, was refused by notice dated 17 January 2020.
 - The development proposed is extension and expansion of Rothwell Truckstop to provide associated roadside well-being facilities to include flexible working and meeting accommodation, car-sharing and car parking, landscaping and infrastructure works. All matters except access reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application is in outline seeking approval for the Truckstop extension with all matters reserved except for access. An illustrative layout has been submitted which I have treated as indicative. I have dealt with the appeal on this basis.
3. The description of development was changed on both the Council's Decision Notice and the appellant's Appeal Form to, "extension to truckstop to provide associated well-being facilities with only access considered". I have dealt with the appeal on this basis.
4. The extant development plan comprises saved policies from the Local Plan for Kettering Borough (adopted 1995) (LP) and the North Northamptonshire Joint Core Strategy 2011-2031 (adopted 2016) (CS). The Site Specific Part 2 Local Plan - Publication Plan (SSLP) was published in December 2019 and submitted for Examination on 28 May 2020. The Public Examination Hearings are scheduled to commence on 8 October 2020. Since the SSLP is still under preparation it carries relatively little weight in relation to this appeal and, I note that the policies referenced of relevance to this appeal by the Council are due to be examined during the Public Examination.

Main Issues

5. The main issues are:

- i) the effect on the character and appearance of the countryside with regard to whether or not this would be a suitable location for the proposed development and,
- ii) the effect on highway safety in respect of access.

Reasons

Character and appearance

- 6. The appeal proposal is for the expansion and enhancement of the existing Truckstop facility which opened in April 2019. The location of the facility in the countryside was deemed to be appropriate given the strategic importance of the A14, flows of heavy goods traffic and the economic significance of the logistics sector to the economy.
- 7. The appellant suggests that expansion and enhancement of the existing facilities would also represent appropriate circumstances for further development in open countryside. For the purposes of this appeal, however, it is necessary to examine the justification for the various components of the proposal to establish the extent to which they would be tied to, and enhance, the existing Truckstop.
- 8. The facilities proposed comprise sleeping accommodation (described variously as a motel or hotel in the documentation), shared meeting/flexible working accommodation, leisure facilities and car sharing facilities. I consider these in-turn.
- 9. The sleeping accommodation would comprise up to 38 bedrooms to be used by truck drivers parked up at the Truckstop. It is claimed that this would reduce the need for HGV drivers to sleep in their cabs, in lay-bys or unauthorised roadside parking locations and would accord with recent changes to European Union Regulations.
- 10. Although the motel element of the appeal proposal is intended to accommodate truck drivers only, it is not clear from the evidence how this would be achieved in practice. The appellant's final comments suggest possible restriction by condition, referring to pre-booking and cross referencing to number plate recognition at the entrance to the appeal site. However, it is not clear to me how that would, for example, exclude a user of the business facilities who was pre-booked and parked in the car park or, for that matter, any member of the public.
- 11. The proposals would also include leisure and recreational facilities for HGV drivers staying in the accommodation. There would appear to be some duplication of facilities with the existing Truckstop building which already includes a lounge, electronic games and a gym in addition to eating/refreshment and retail. Given the walking distance between the existing and proposed facilities, it seems likely that use of the new facilities would be practically limited to those using the sleeping accommodation, or meeting facilities. However, it is not clear if these facilities would, or practically could, be used exclusively by truck drivers.
- 12. The shared meeting accommodation would be targeted at providing communal co-working and flexible meeting space and facilities for the increasingly mobile workforce, increasingly less tied to specific workplaces. This office-based element of the proposal appears unrelated to the Truckstop except in that the

provision of refreshment, leisure and recreational facilities could potentially be shared. The on-site sleeping accommodation could also potentially be used by delegates although, again, this is not made clear.

13. It is also not clear why the shared meeting accommodation needs to be attached to the existing Truckstop and could not be provided, perhaps more appropriately, elsewhere, for example either in a town centre or a location well-served by public transport. There are no convenient public transport facilities nearby. I understand the nearest bus stop is more than 1km distant, to the north of the A14 within Rothwell.
14. The appellant refers to facilities provided by Regis. They have flexible office space at Watford Gap Services on the M1 and at Cambridge MSA on the M11/A14 although a key difference is that both of those facilities are motorway service areas, not restricted to truck access-only.
15. The final main element of the proposals is for the car sharing facility. This is intended to encourage car sharing by meeting participants or work colleagues passing by on the A14. It would make use of the extensive area of car parking proposed (169 spaces) and, it is suggested, would be a sustainable development because it would reduce the number of cars duplicating journeys. There is no empirical analysis to indicate the extent of likely demand and it is unclear why such a facility would significantly boost car sharing, or sustainable travel. If work colleagues essentially duplicate journeys, a more sustainable option would eliminate use of one car and parking charges by one colleague picking up another (or others) from home or the roadside.
16. Policy 18 of the CS indicates that any ancillary uses should be of a type and scale appropriate to the main use of the site as a truck stop. From my analysis of the various elements of the proposal, the need for a facility of this type at this location is not proven. This is because the extension does not lead to an increase in parking for HGVs which is already provided at a sufficient level to prevent nuisance parking elsewhere. In relation to the changing E.U. legislation it remains to be seen if this is to be embodied into U.K. requirements. However, even assuming that this were to happen, it would not justify the need for key elements of the appeal proposal. Therefore, the position appears to be that a substantial proportion of the facilities would either be unrelated (offices, meeting rooms and the car parking) or indirectly related to the existing Truckstop (accommodation and leisure/ recreation due to potential non-exclusivity to the truck driver community). Consultation responses have suggested there would appear to be a risk that the proposals might become a more general service/rest stop for anyone travelling along the A14.
17. In policy terms the appeal site lies within the open countryside and while it is not actively farmed it retains the appearance of a field. Given its location nestled between the A14 and the Truckstop, it is not surprising that its tranquillity is compromised but, it nevertheless possesses intrinsic beauty arising from its openness and characteristics representative of the wider rural landscape.
18. The Truckstop is a large facility, but there are relatively few structures on the site, so it does not possess the character and intensiveness of an urban area. Out of necessity, the Truckstop is a use that is appropriate in the countryside and its location in the floor of the valley containing Slade Brook, with strong boundary features provides a significant degree of screening from longer

distance views. The most important long-distance views from publicly accessible land are those into the site from Orton Road to the south of the Truckstop on the slope of the valley.

19. The proposed development of the appeal site would, according to the appellant's illustrative drawings, add 'more of the same', in the sense that a further 2 storey L-shaped building of a similar design and finish would be constructed, visually similar to the existing facilities building, coupled with a further large area of parking, this time for cars rather than trucks. The wider visual effects would, to a limited degree, add to those that already accompany the existing, much larger, Truckstop which has been effectively integrated into its landscape setting. However, the more localised impact which would be caused by filling the gap between the A14 and the Truckstop would be more substantial. The development would not only remove the rural character and appearance of the appeal site itself but would also weaken the rural setting of the existing Truckstop and other nearby uses. Additional vehicular traffic moving to/from the A14 would also add to the wider visual impact of the proposal.
20. Therefore, I find that the proposed development would have a more significant nuanced impact on its landscape setting than that attributed in the Landscape Assessment. This indicates the local landscape has medium value. It is suggested that as the appeal site is a self-contained area defined by man-made landforms with established boundaries that it does not have the appearance of open countryside and would have low susceptibility to the appeal scheme. I disagree on this point as the openness of the appeal site is important to the rural setting of the Truckstop. I note that the soft landscaping on the northern side of the main access road included as part of the planning permission for the existing Truckstop has not yet been implemented. Provision of that landscaping would help protect the rural character of the land to the north of the access road. The appellant describes the appeal site as vacant but any decision *not* to farm the land is within their remit and does not justify development of the site.
21. I accept the findings of the Landscape Assessment with regard to the wider effects that would arise from development of the appeal site. This is because there would not be particularly strong visual connectivity between the appeal site with the wider landscape. However, those less harmful, wider effects, would not be sufficient to offset the more substantial localised harm that would be caused.
22. Although an extensive amount of evidence has been put before me, I conclude that there is insufficient justification for the loss of a greenfield site which lies outside established settlement boundaries. Significant elements would not be directly truck-related or uncertain in terms of the nature or quantum of business. In addition, the site would represent an unsustainable location, particularly given the absence of convenient public transport access which would, in effect, encourage car dependency. I also conclude that the appeal proposal would harm the rural character, appearance and intrinsic beauty of open countryside through the development of the appeal site which in turn would undermine the rural setting of the existing Truckstop.
23. As such, the proposal would conflict with Policy 7 of the LP and Policies 11 and 18 of the CS. Policies 7 and 11 seek to protect open countryside and landscape steering development in accordance with the agreed development strategy.

While Policy 18 adopts a permissive approach towards new Truckstop facilities in appropriate locations, significant elements of the appeal proposal including the meeting/conference facilities and park and ride could not be regarded as ancillary to the main use of the existing Truckstop.

24. The emerging SSLP indicates that the appeal site falls outside of the settlement boundary and within open countryside. Policy RS4 sets out the restrictions on development in the open countryside. While Policy TCE1 defines town centre boundaries and elements of the proposal could be located in a town centre, some elements (such as a park and ride facility) could be satisfactorily located elsewhere. The Government's National Planning Policy Framework encourages the use of sustainable transport modes. While the HGV-related use can be justified at the appeal location it does not automatically follow this would apply to other elements, as proposed.

Highway safety

25. The Truckstop is accessed from Orton Road which leads to Junction 3 of the A14, to the south-west of Rothwell.
26. A Statement on Transport Matters has been submitted by the appellants. This statement suggests that the appeal proposal, which is treated as a hotel-based development, would not attract significant additional levels of traffic. The analysis restricts additional trips by assuming the facilities would not, for example, be opened up to general usage by passing traffic. This means that the refreshment facilities would not be generally available to passing traffic but only by users of the Truckstop, motel and meeting and park and ride facilities. Gym memberships would not be intended for general or separate usage.
- ~~27.~~ The access to the Truckstop has been designed to accommodate significant HGV flows and is only a short distance from the A14. The analysis suggests that nearby highways operate within capacity and extra traffic from the proposed development could be satisfactorily and safely accommodated.
28. Vehicular access to the appeal proposal itself would be from a new junction to the road internal to the existing Truckstop. Entering the new car park would be straightforward requiring a left turning movement. Egress would be less straightforward requiring the driver to turn right. It has been suggested this could cause safety issues since this would place car traffic in potential conflict with 2-way HGV traffic flows. However, it appears to me that visibility at the proposed junction would be very good and comparable circumstances (i.e. right turns onto internal roads within service areas) can be found and successfully operate elsewhere.
29. According to the Transport Statement pedestrian movements between the existing and new facilities would utilise zebra crossings on the internal access roads. These arrangements, as shown on the illustrative drawing, would not appear to provide a very direct or attractive route. Alternative options would appear to be limited and could conflict with the junction into the proposed car park. Therefore, although the pedestrian connectivity would neither appear to be very attractive nor likely to encourage interaction between the facilities, it would be functionally safe and thereby acceptable.
30. In making these observations I am aware that neither the Local Highways Authority nor Highways England have objected to the proposed arrangements

for access/egress to/from, or within the site. I appreciate that objectors raised concerns that traffic flows might have been under-estimated should the facilities function more like a service area, open to all, but the proposals have not been advanced on that basis.

31. Accordingly, and taking account of the type of development proposed, I find that the appeal proposals would accord with Policy 8 of the CS which requires new development to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring.

Other Matters

32. In respect of ecology, arboriculture, drainage and flooding, I am satisfied that the proposed development would be acceptable with outstanding matters capable of being resolved by planning conditions along the lines of those suggested by the Council, were outline planning permission to be granted.
33. The appellant has highlighted a number of benefits of the appeal proposal, in addition to those already covered above. These include further investment in the logistics sector, which is particularly important in the local economy, taking advantage of Kettering Borough's central location linking markets in the U.K. and overseas using high quality strategic road links including the A14. The development would also bring further, limited employment to the area.

Planning Balance

34. Overall, I conclude that the appeal proposal would have a substantial harmful effect on the character and appearance of the area through the loss of open countryside. The benefits of the development would be mainly economic but, due to the nature of the development proposed, these would carry moderate weight. In terms of sustainability, the extent of potential benefits remain unclear and carry little weight. While I have concluded that the proposed development would not be harmful to highway safety, this would have a neutral impact in the balance. Accordingly, I find that the substantial harm to the environment that would be caused by the appeal proposal outweighs the benefits.

Conclusion

35. While I note that the officer's report recommended approval of the appeal scheme, I nevertheless conclude, for the reasons given above, that the appeal should be dismissed.

David Carter

INSPECTOR