



Appeal Decision

Site visit made on 7 October 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 11th November 2020

Appeal Ref: APP/L2820/W/20/3251003

**Sutton Lodge Farm, Dingley Road, Sutton Bassett, Market Harborough
LE16 8HL**

- 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 Mrs S Drury against the decision of Kettering Borough Council.
 - The application Ref KET/2018/0966, dated 7 December 2018, was refused by notice dated 18 October 2019.
 - The development proposed is retrospective permission for the erection of a building for general industrial use (B2) and storage of vehicle parts (sui generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Retrospective permission is sought, as set out in my final bullet point above, and the building in question has already been constructed. I have therefore determined the appeal on the basis that the development has already occurred.
3. The description of development in the heading above has been taken from the appeal form, which differs from that on the planning application form. In Part E of the appeal form it is stated that the description of development has changed, and the Council's decision notice confirms that a revised description has been agreed. Accordingly, I have used the one given on the appeal form.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - Whether the appeal site provides a suitable location for the development, having regard to the spatial strategy for the area; and
 - Whether the development provides a satisfactory means of access, with particular regard to its effect on a public right of way and to parking provision.

Reasons

Character and appearance

5. The appeal site lies within a substantial area of open countryside. It forms part of a complex of buildings to the rear of a farmhouse. The site is accessed via a long drive which carries a public bridleway, which passes the appeal building at the edge of the site, and then continues up the hillside. Clear views of the appeal building are available from the public bridleway due to its route over elevated landscape behind the site, and to the building's prominent position at the edge of this countryside.
6. The appeal building is a large industrial unit which currently hosts two business uses. The combination of the building's two-storey scale, brickwork and wood cladding, and window and door materials results in an industrial and urban appearance which is out of keeping with the highly rural landscape setting. This harm is exacerbated by the building's prominent position and high visibility within the surrounding countryside.
7. Furthermore, the uses of the building give rise to a commercial character which is at odds with its open countryside setting, causing harm to the area's appearance. Thus, as the identified harm results from both the development's appearance and its uses, the imposition of conditions to address materials or landscaping would fail to acceptably overcome the harm.
8. The development consequently causes moderate harm to the character and appearance of the area. As a result, it conflicts with Policies 3(a) and 8(d)(i) and (ii) of the North Northamptonshire Joint Core Strategy (2016) (the JCS), which state that development should conserve and respond to the character and qualities of its landscape setting. Further conflict exists with paragraph 170 of the National Planning Policy Framework (2019) (the Framework), which sets out that planning decisions should recognise the intrinsic character and beauty of the countryside.

Location of development

9. The appeal site lies in open countryside. Policy 7 of the Local Plan (the LP) sets out that permission for development at such locations will only be granted where otherwise provided for in the plan.
10. Further policies within the JCS concern development outside settlement boundaries. Policies 11, 13 and 25 set out the types of development that will be acceptable in such areas.
11. There is minimal substantive evidence before me to suggest that the development is required to support a prosperous rural economy or that it meets an identified need, which cannot be met more sustainably at a nearby larger settlement. Thus, the proposal fails to comply with the provisions of Policies 11 and 13 of the JCS.
12. Policy 25 states that sustainable opportunities to develop and diversify the rural economy that are of an appropriate scale for their location and which respect the environmental quality and character of the rural area will be supported. I have found above that the development causes moderate harm to the character and appearance of the area.
13. As a result, the site fails to provide a suitable location for the development. Accordingly, it results in harm in achieving the spatial strategy for the area. Thus, it conflicts with Policy 7 of the LP and Policies 11, 13 and 25 of the JCS, the aims of which are set out above.

Access

14. Access to the site from the main road comprises a single-track drive with verges which are narrow for a significant distance, and uneven in parts. As a result, verges do not offer a reliable refuge to users of the public bridleway such as pedestrians, cyclists and equestrians, in the event of a passing vehicle. The drive's restricted width consequently creates a risk to the safety of these more vulnerable highway users.
15. Furthermore, the drive's width will necessitate a reversing manoeuvre on the part of one motorist to enable two vehicles to pass, irrespective of the size of vehicles concerned. Such a manoeuvre carries increased risks to users of the public bridleway due to the reduced visibility which is available to drivers when reversing.
16. The appellant submits that a fallback exists because lawful use of the appeal building for agriculture would resume in the absence of a grant of approval for the appeal. If I were to concur that the building's use for agricultural purposes would be lawful, there is a real prospect of that use occurring because the building has already been constructed.
17. The appellant states that 35 large vehicle movements would be associated with agricultural use of the unit per year. The commercial use of the development currently generates 10 vehicle trips per day, which amounts to a substantially higher number of movements per year.
18. Thus, the building's current business use significantly intensifies the vehicular use of the public bridleway. As a result, the development exacerbates the risks created by the drive's restricted width, with resulting harm to the safety of users of the bridleway.
19. Even if the suggested fallback position were implemented and the building's effect on the character and appearance of the area were similar, its effect would therefore be less harmful to the safety of users of the bridleway. Accordingly, I attach only minimal weight to the ability of the potential fallback position to lend support for the appeal scheme.
20. Evidence concerning future demands on the parking provision associated with the appeal building is limited. Thus, I am unable to determine whether the parking set out in the submitted plans would adequately cater for demand. As a result, I cannot conclude with certainty that conflict will not arise between parked vehicles at the site and users of the public bridleway. Furthermore, the assessment before me is whether the parking provision meets the needs of the scheme, which are unclear, and therefore the imposition of conditions with regard to matters such as the number of spaces could not render the parking provision acceptable.
21. Thus, the proposal does not provide a satisfactory means of access, with particular regard to its effect on a public right of way and to parking provision. It consequently conflicts with Policy 8(b)(ii) of the JCS, which states that development should ensure that a satisfactory means of access and provision for parking is provided.

Other Matters

22. Whilst the evidence does not suggest that the development causes a severe cumulative impact on the road network, I have found that it conflicts with the development plan with regard to other access and highway matters. The development plan is the basis on which appeal decisions are made and I have identified no considerations which would justify a decision otherwise than in accordance with its policies.

Planning Balance and Conclusion

23. Economic benefits arise from the use of the development by small businesses. The provision of employment in a rural area contributes some social benefits. However, due to the small size of the development these are relatively modest benefits, which do not outweigh the harm identified above.
24. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR