



Appeal Decision

Site Visit made on 27 January 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2021

Appeal Ref: APP/X2410/W/20/3260233

Unit A, Rear of Paddock View, Seagrave Road, Thrussington, Leicestershire LE7 4TR

- 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 Hill against the decision of Charnwood Borough Council.
 - The application Ref P/20/0162/2, dated 1 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is the change of use of an agricultural building to an industrial unit (Use Class B2) for repairs & restoration of cars & motorcycles including installation of wall with 2 roller shutters to existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In accordance with the planning application, the front of the lean to attached to the main building has been enclosed and two roller shutter doors installed. However, the application form states that the proposed change of use has not yet occurred. On the basis of what I have read and seen this appears to still be the case and I have determined the appeal on this basis.

Main Issue

3. The main issue in this appeal is whether the proposed development would comply with the spatial strategy of the development plan and constitute a sustainable development within the meaning of the National Planning Policy Framework.

Reasons

4. The appeal site is located within the open countryside in the parish of Thrussington close to the A46 and consists of a building with a side addition that formed part of an agricultural contracting and repairs business.
5. The development plan for the borough includes the Charnwood Local Plan 2011-2028 Core Strategy, the Borough of Charnwood Local Plan 1991 – 2006 adopted in 2004 and the Thrussington Neighbourhood Plan adopted in 2018.
6. The overarching development strategy for the local planning authority is contained within policy CS1 of the Core Strategy which was adopted in 2015. In seeking to provide good access to employment and services it focuses development on urban areas in the borough. Thrussington is identified as a settlement below the tier of Service Centres where policy CS1 advises that the Council will respond positively to proposals that contribute to local priorities as identified in Neighbourhood Plans.

7. Policy CS10 of the Core Strategy deals with rural economic development. Amongst other matters, it supports the sustainable growth and expansion of businesses in rural areas through the conversion of existing buildings. Policy B2 of the Thrussington Neighbourhood Plan supports small scale development which creates new employment uses where they are located on former agricultural sites within the Parish. The justified reasoning to this policy advises that rural industries appropriate to their setting will be supported. Taken in conjunction with policy CS11 of the Core Strategy, which is only supportive of rural economic development in the countryside that has a strong relationship to agriculture, horticulture and other land based industries, it is clear that the development plan as a whole envisages development on the appeal site that relates well to the rural land based economy.
8. Policy CT/1 of the Local Plan requires that in all cases it should be demonstrated that a proposed development could not reasonably be located within or adjacent to an existing settlement. No such evidence though has been provided. Although the Local Plan is the oldest part of the development plan and predates the National Planning Policy Framework ('the Framework') I find that policy CT/1 is consistent with it in this regard. This is because paragraph 84 of the Framework recognises that business sites may have to be found adjacent to or beyond existing settlements. As a result, policy CT/1 complements rather than conflicts with the Framework. In accordance with paragraph 213 of the Framework I therefore attach considerable weight to the conflict between policy CT/1 and the appeal proposal.
9. The nearest settlement to the appeal site is the small village of Thrussington located over a kilometre away. Larger settlements are further distant. As a result, customers of a vehicle repair and restoration / B2 business on the site would have to travel further than they would otherwise have to if the business was located within or adjacent to a settlement. In addition, employees would not be able to travel to work other than by motor vehicle due to the site's isolation from public transport and the fast unlit nature of the nearby roads which have no footway.
10. Given the sites location, set well back from the road and enclosed by large buildings in other use on its southern and eastern sides, and mature trees within the garden of Paddock View to the west, it forms part of an existing huddle of development and is hidden from public view. As a result, the proposal would be in keeping with the character of its surroundings. Therefore, whilst by virtue of the nature of the proposed use the proposal would not benefit from the support of policy CS11, it would not cause material harm to the character and appearance of the countryside.
11. In summary therefore the development plan focuses development on urban areas in order to provide good access to employment and services. However, it also allows small scale economic development in the countryside, and supports businesses that relate well to the rural land based economy, so long as the development proposed cannot be located within or adjacent to an existing settlement. Given that it has not been shown that the proposal could be located within or adjacent to a settlement, this has not been shown to be the case. As a result, I therefore find that the proposal would be contrary to the spatial strategy of the development plan.
12. Previous planning permissions for development on neighbouring land are relevant considerations. On appeal in 2004 permission was granted for a road

haulage business at 570 Fosse Way and in 2017 the local planning authority granted permission for the change of use from agriculture to storage and distribution at The Yard. However, the important material difference between these developments and the appeal proposal is that they involve transportation, storage and distribution of goods and so are dependent for operational efficiency upon good access to the wider highway network provided by the adjacent junction with the A46 dual carriageway. In contrast, a B2 use for the repair and renovation of motor vehicles is not dependant on such good access. This is because such businesses provide services to a local area as evidenced by their location normally within or adjacent to settlements. I therefore attach little weight to these permissions in favour of the appeal.

13. The building is no longer in active agricultural use and the proposal would bring it back into use and prevent it from detracting from surrounding development by falling into disrepair. This is a consideration of some weight in favour of the proposal. The scheme would also create two full time jobs at a time when the economy has been hit hard by the coronavirus pandemic. Given that the change of use is likely to remain long after the effects of the pandemic on employment cease to be material this is a consideration of limited weight in favour of the appeal.
14. Taking all these matters into account, I therefore find that whilst the proposal would comply in isolation with the wording of policy CS1 of the Core Strategy and policy B2 of the Neighbourhood Plan, and would be supported by policy CS10 of the Core Strategy, it would not be supported by policy CS11 of the Core Strategy and its conflict with policy CT/1 of the Local Plan means that it would be contrary to the development plan considered as a whole. The other considerations put forward in favour of the proposal, namely bringing the building back into use, the creation of employment for two people and previous decisions considered above, are insufficient to outweigh the harm that would be caused to the spatial strategy for the borough and non-compliance with the development plan. The proposal would therefore not constitute a sustainable development.

Conclusion

15. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector