



Appeal Decision

Site visit made on 5 February 2021

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/N2739/W/20/3260981

Avro House, Lincoln Way, Sherburn In Elmet, Selby LS25 6PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by AS Trade Sales Ltd against the decision of Selby District Council.
 - The application Ref 2020/0256/FUL, dated 6 March 2020, was approved on 23 July 2020 and planning permission was granted subject to conditions.
 - The development permitted is external raised structure for the storage of caravans.
 - The conditions in dispute are Nos 1 and 2 which state:
 - [1] The cladding to the upper level of the north and west elevations for which permission is hereby granted shall be installed within a period of six months from the date of this permission.
 - [2] The cladding to the upper level of the north and west elevations for which permission is hereby granted shall match that present on the existing building within the site in colour and texture.
 - The reasons given for the conditions are:
 - [1] In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
 - [2] In the interests of visual amenity and to ensure the proposals respect the character of the area in accordance with Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect removing the conditions would have on the character and appearance of the site and surrounding area.

Reasons

3. The appeal site occupies a prominent location to the south east of a roundabout on the B1222, which serves as the main entrance to the Sherburn Industrial Area (SIA). The site is set back slightly from the road with a stream and landscaping strip occupying the intervening land. The raised structure has already been constructed and is in use, but the external cladding has not been installed. The effect of the proposal would be to allow the raised structure to remain unclad as seen from the north and west of the site.
4. Despite the setback, the existing raised structure is nonetheless clearly visible through the landscaping strip from the public roads and roundabout to the north and west of the site. Although the ground level of the appeal proposal is at a lower level than the roundabout and is consequently much less visible, the first-floor level occupies a prominent position. The elevated and open-sided

design of the structure is such that the caravans, which were predominantly bright white at the time of my visit, are particularly evident. Together these elements present an elevation to the public road that is of cluttered and unfinished appearance.

5. This represents a stark contrast with the well landscaped verges of the roundabout and the B1222 along this stretch. Whereas many of the buildings within the SIA itself have a more openly industrial appearance, as is appropriate to that particular context, the appeal site occupies a more prominent position at the entrance to the SIA. The character of that entrance is transitional and less industrial, with the said landscaping enhancing the setting of the industrial area as seen by passing road users.
6. Whilst greater screening may be provided when the trees are in full leaf, my observations are that this would still not be sufficient to adequately obscure views of the elevated structure and its contents. Furthermore, the trees are not indicated as being within the appellant's control. Overall, as existing, I find that the open sided appearance of the existing structure harms the character and appearance of the site and surrounding area.
7. Condition 2 requires cladding to be erected to the north and west elevations of the raised structure to match the existing building, in the interests of visual amenity. This reason derives from policy SP19 of the Selby District Core Strategy (2013)(CS) and saved policy ENV1 of the Selby District Local Plan (2005)(LP). Together these require that new development achieve high quality design and have regard to local character, identity and context of surroundings.
8. The clad structure would read visually as a continuation of the existing building. Given my conclusions on the existing appearance of the site, I find that such cladding would provide appropriate and necessary mitigation against this existing harm. I am not persuaded by the appellants argument that the appeal cladding would weather any worse than any other cladding in the vicinity.
9. Condition 1 requires the cladding to be installed within a prescribed timeframe and is said by the appellant to be unfair and unnecessary. However, this condition only requires that the submitted application plans, which have been approved, be implemented within a certain timeframe. The appellant does not dispute that timeframe, but rather the necessity of the implementation of the plans. I have already found that implementation to be necessary.
10. The appellant also cites other developments in the area as precedent. The ABN building to the east, whilst being very large in comparison to other buildings in the area, is an isolated exception and does not justify the harm the appeal proposal would cause. The lorry hire depot to the west of Aviation Road is at a considerably lower level than the elevated appeal structure and is consequently less harmful than the appeal structure as seen from the roundabout and the B1222, notwithstanding its greater visibility from within the industrial area.
11. To allow the appeal and remove the disputed conditions would cause unacceptable harm to continue to occur. Therefore, the proposal would have an unacceptable adverse impact on the character and appearance of the site and surrounding area, contrary to policy SP19 of the CS and saved policy ENV1 of the LP. Whilst policy SP18 of the CS is cited in the reasons, no evidence has been submitted to suggest that any safeguarded environment would be adversely affected.

Other matters

12. The costs associated with installing the cladding are cited as being substantial. Whilst I have considerable sympathy for the impact this may have on the business and its growth, this does not outweigh the harm I have found. That the appeal premises does not operate around the clock, or emit noise, smoke or fumes is not disputed by the Council. Although the appellant had understood the amended plans to be draft for discussion purposes only, they are not labelled as such and no evidence has been submitted to indicate that the Council determined the application against the wrong plans. Finally, whilst the appellant is clearly concerned with the Council's pre-application advice, this is not a matter within my jurisdiction in determining the current appeal, which I must determine on its merits.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR