



Appeal Decision

Site Visit made on 25 August 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/P0240/W/21/3268750

Former KS Construction Site, Mill Lane, Salford, Milton Keynes MK17 8AY

- 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 Denis Nolan (Toureen Properties Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/03032/FULL, dated 25 August 2020, was refused by notice dated 14 January 2021.
 - The development proposed is change of use of land and buildings for storage of building plant, machinery, associated equipment and materials (B8 use Class) including ancillary office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my visit I saw building materials and other stored items on external parts of the site, although not to the extent or height as indicated on the appeal plans. Therefore, the change of use subject of the appeal has commenced. For clarity purposes, I confirm my assessment is based on the submitted drawings.
3. Since the appeal was determined, the Central Bedfordshire Local Plan 2021 (LP) has been adopted. This now forms part of the statutory development plan for the site and its policies supersede those set out in previous development plan documents. As such, my assessment refers to the LP policies. The Council's appeal statement explains the change in planning policy context and the appellant has had the opportunity to respond.
4. The National Planning Policy Framework (the Framework) was revised in July 2021. The main parties have been invited to submit comments on the Framework and the responses have been taken into account.

Main Issues

5. Based on the Council's refusal reasons, the main issues are (i) the effect of the development on the character and appearance of the area, and (ii) its effect on the living conditions of occupiers of nearby properties in respect of noise.

Reasons

Character and appearance

6. Mill Lane is a narrow road with grass verges, trees and bushes on both sides. It adjoins Wavendon Road, along which there are trees and hedgerows with views of fields. These features create a significant countryside feel to the locality. The

- site as it stands and other nearby commercial properties are generally unobtrusive due to their lack of visibility or low key nature. As such, they do not significantly undermine the rural qualities of the area surrounding the site.
7. The plans indicate that most of the external area of the site would be used to store plant and equipment, including a significant part of the land near to the roadside boundary. As the site frontage stretches along most of the road, there is potential for the external storage to have a marked visual effect on Mill Lane. Moreover, it is likely that stored plant would be visible over access gates from Wavendon Road, near to its junction with Mill Lane.
 8. It is proposed to manage the site so that machinery up to 5 m in height would be stored towards the rear corner. Storage on the roadside frontage would be subject to 3 m height restrictions close to Wavendon Road and 4 m further along Mill Lane. However, apart from the height limits, there would be no other control on the bulk, appearance and visual effect of stored items. The proposal would allow potentially unsightly equipment and materials to be positioned close to the road boundary along most of Mill Lane. The submitted information fails to convincingly demonstrate that existing and new planting along the frontage would be so dense as to totally conceal the external storage, particularly during times of leaf-fall. In any event, vegetation cannot be relied upon to provide screening in perpetuity. As such, the proposed measures would not satisfactorily avoid a marked detriment to the rural nature of Mill Lane.
 9. I am advised that the site has a lawful horticultural use which if resumed may also have a visual impact. However, the submissions indicate that a return to such a use is unlikely. Also, there is no substantive evidence that shows a horticultural use would have a worse visual effect than the appeal development. Therefore, this factor has little influence on my assessment.
 10. Reference is made to the decision to allow the car repair garage at Waterhall Cottage. This is a modest single storey building largely hidden from public viewpoints by a fence. It is not comparable to the appeal development and so it fails to affect my views on this matter.
 11. The site adjoins fields to the rear and private property to the sides. As there are no public vantage points, the scheme would have no significant visual effects from these directions. Also, in line with LP policy EE4, new trees are proposed which would help soften the visual impact of the development when viewed from the north. However, acceptability in these regards fails to address or offset the detrimental effect in relation to Mill Lane and Wavendon Road
 12. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with LP policies EMP4, HQ1, EE5, DC1 and SP7. Amongst other things, these aim to ensure that development is sympathetic to its setting and safeguards the intrinsic character of the countryside. The Council refer to LP policy EE4, however for the reasons set out above I conclude the scheme would accord with this policy.

Noise

13. The Council's submissions do not explain in detail its objections in respect of noise. Concerns are raised by others over the disturbance caused by activities that have taken place on the site. However, in some incidences, disruption has

been caused by noise associated with the breaking up of hardstanding. No such operations are proposed under the appeal scheme.

14. The development has the potential to create noise through the delivery, pick up and on-site movement and maintenance of plant and equipment. However, it is proposed to limit delivery and dispatch times as well as hours of other potential noise-generating activities. Repair works would not take place outdoors on the site and an acoustic barrier would be provided on the boundary with Waterhall Cottage. Such measures could be reasonably secured through planning conditions and would help ensure that noise disturbance is either avoided or limited to daytime hours when it would be less disruptive.
15. The development would lead to lorries travelling through nearby Salford where there are roadside residences. However, this is a designated route for heavy goods vehicles and so occupiers of properties in the village already experience noise associated with lorry movements. Moreover, the proposed restrictions on delivery and dispatch times would help ensure vehicle trips linked to the development only occur during the daytime when noise disturbance is likely to be tolerable.
16. For the above reasons, I conclude the development would not cause harm to the living conditions of occupiers of nearby properties in terms of noise disturbance. In these regards, it would accord with LP policies EMP4, HQ1, DC1 and SP7. These all aim, amongst other things, to ensure development does not cause detriment to residents' living conditions.

Other Considerations and Planning Balance

17. Notwithstanding my findings in respect of the first main issue, the appeal scheme would introduce new tree planting. This is likely to support biodiversity, although the benefits in these regards would be modest as new landscaping is largely restricted to the edges of the site.
18. The development would provide an overflow facility to supplement an established construction support business. It would be in a location to serve the firm's needs and would provide employment. In these regards, the scheme would support economic growth and productivity, a factor to which I attach positive weight.
19. While the scheme would not lead to harmful noise effects, the detriment identified in respect of the first main issue means it would not accord with the development plan policies when considered as a whole. The benefits and other considerations are noted but are of insufficient weight to justify granting planning permission contrary to the development plan.

Conclusion

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

Jonathan Edwards

INSPECTOR