
Appeal Decision

Site visit made on 14 September 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/A3010/W/21/3277148

Unit 1, Swanton Close, Retford DN22 7AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr J Stacey of Apex International UK Ltd against the decision of Bassetlaw District Council.
 - The application Ref 20/00807/VOC, dated 2 July 2020, was refused by notice dated 29 January 2021.
 - The application sought planning permission for '*Erect two new industrial units with offices (re-submission of P/A 01/02/248)*' without complying with conditions attached to planning permission Ref 01/03/00275, dated 30 January 2004.
 - The conditions in dispute are No's 7 and 9 which state that:
7 - The car parking, servicing and vehicular manoeuvring facilities shown on the approved drawing No 3417 shall be provided before either of the units hereby permitted is brought into use and shall be retained thereafter.
9 - There shall be no outside storage or deposit of goods, materials, machinery, equipment, rubbish or waste.
 - The reasons given for the conditions are:
7 - To ensure adequate off-street parking and manoeuvring facilities in the interests of road safety.
9 - To ensure the satisfactory appearance of the application site and its surroundings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted elevation plan (ref: GASW 003) shows 4 shipping containers arranged side by side and stacked 'two high'. While the appellant's statement references only needing 2 containers and is agreeable to a condition which would restrict the number of containers, that arrangement is not before me. As such I have assessed the proposal as it was determined by the Council.
3. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.

Main Issues

4. The main issue is whether the conditions are reasonable and necessary in the interests of the character and appearance of the area and highway safety.

Reasons

Character and Appearance

5. The building located on Unit 1 is of substantial size, with its external surfaces comprising a mix of facing brick and metal cladding. This is reminiscent of other buildings in the vicinity. Generally speaking, the buildings in the estate are of utilitarian appearance which reflect their function and are accompanied by large yards and/or parking areas. Despite the scale of the buildings, there is a sense of openness reflected by those yards and car parks, wide estate roads and grass verges.
6. Due to the position of the appeal site on the corner of the junction of Randall Park Way and Swanton Close it is prominent in the area. The proposed shipping containers stacked in the manner proposed would create a structure of substantial width, height and depth which the plans show would rise above the second-floor windows of the building and fall just below the eaves of the roof. This would be compounded by the informal nature of the containers which would jar against the well-maintained appearance of both the host unit and estate in general. I take on board the appellant's point that the shipping containers are of similar colour and material to the metal cladding of the building. However, this would not outweigh the harm I have identified.
7. I appreciate other businesses in the estate store materials externally. This is demonstrated in the submitted photographs and appears common in the area. To that end the 'stillages' at the appeal site do not appear unusual or intrusive in the street scene. However, materials stored externally at other units did not appear as prominent or large in scale as the shipping containers. While there are also shipping containers located at other units within the industrial estate, from my observations these are not stacked on top of one another. In any event, I have assessed the proposal on its own merits.
8. I have considered the benefits of the development with regards to the prosperity of the business. Paragraph 81 of the Framework advises significant weight should be placed on the need to support economic growth and productivity. However, this is not unconditional or at the expense of ensuring that all development integrates appropriately with its surroundings. Whilst there may be economic benefits of the scheme, there is no precise quantification of these to enable me to balance them relative to the harm nor is there anything before me to indicate the growth of this business cannot be achieved by other, visually less intrusive means. For example, I note the business has recently expanded into another unit nearby to accommodate its office staff. As such, any benefits do not outweigh the harm I have identified to the character and appearance of the area.
9. I therefore conclude that conditions 7 and 9 are necessary and reasonable to prevent unacceptable harm to the character and appearance of the area and ensure that the approved scheme complies with policy DM4 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD (the DPD) (adopted December 2011). This policy

seeks to ensure that, among other things, new development respects its wider surroundings. The proposal would also be contrary to the design aims of the Framework, which seeks through paragraph 130 to ensure development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

10. While I note the appellant disputes the relevance of policy DM4 and argues it relates to residential development, part B references 'individual development proposals, including single buildings, changes of use or extensions to existing buildings'. It does not relate exclusively to dwellings and is relevant to the appeal.

Highway Safety

11. The appeal site shares a vehicular entrance and yard area with Unit 2 adjacent. The submitted site plan shows there are 13 parking spaces allocated to Unit 1 while the swept path analysis shows there is a turning space in the yard to allow large vehicles to enter and exit in a forward gear.
12. On the site visit, I observed parking spaces were available at Unit 1, although there were also a few cars parked on Swanton Close. It is not clear from the information before me whether these cars were parked on the road by employees of the appellant business, although I note the comments submitted by third parties which state this is the case. However, there are no restrictions on parking along this or other roads which run through the industrial estate. Moreover, the shipping containers and stillages were not blocking or obstructing any of the designated parking spaces within the appeal site from my observations.
13. Furthermore, the swept path analysis submitted with the appeal shows Heavy Commercial Vehicles (HCVs) are capable of moving past one another along Swanton Close and turning within the site as originally intended to exit in a forward gear. As such, based on the evidence before me I have no reason to conclude that highway safety has been negatively affected as a result of the siting of the shipping containers or stillages.
14. Based on the above, I conclude the development does not detrimentally affect highway safety. It therefore accords with policy DM4 of the DPD, which seeks to ensure development is not to the detriment of highway safety, among other aims. The development also aligns with the aims of the Framework which advises development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

15. I have had regard to comments in the appellant's statement which advise there are no impacts on the living conditions of local residents with regards to noise or odour. However, these matters are not in dispute and neither weigh in favour nor against the appeal.
16. Reference is made by the appellant to an agreement with the previous building owner to use shipping containers for storage at the appeal site. I have no details on this agreement before me, such as how it related to the need for planning permission. As such I have not considered it further in the determination of this appeal.

Conclusion

17. For the reasons given above I conclude that the conditions are necessary to ensure the character and appearance of the area is not harmed. Further, they ensure the development would accord with the policies I have cited. Although I have found no harm with regards to highway safety, the appeal should therefore be dismissed.

C McDonagh

INSPECTOR