
Appeal Decision

Site visit made on 15 March 2022

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/V2635/W/21/3282267

The Old Pheantry, field with agricultural buildings accessed via a by-way off Church Lane, East Walton, Norfolk.

- 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 Westacre Estate Management against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/01136/F, dated 27 July 2020, was refused by notice dated 12 July 2021.
 - The development proposed is siting of 40 storage containers.
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Decision

1. The appeal is allowed, and planning permission granted for the siting of 38 storage containers on land at The Old Pheantry, field with agricultural buildings accessed via a by-way, off Church Lane, East Walton, Norfolk, in accordance with the details contained in planning application Ref: 20/01136/F, dated 27 July 2020 and the plans submitted with it, subject to the conditions set out in the schedule of conditions below.

Procedural Matters

2. The description of development on the planning application form is for the siting of 40 storage containers. However, the appeal statement produced by the appellant, the Committee Report and the Notice of Decision refusing planning permission all refer to the siting of 38 storage containers. I have found no correspondence referring to an agreement between the parties to alter the description of development during the processing of the planning application. As a result, I wrote to the parties asking them to clarify the position in relation to the description of development.
3. Both parties have confirmed that the proposal was determined on the basis of 38 containers being sited on the land. Therefore, and notwithstanding the quantum of storage containers indicated on the planning application form, I have determined this appeal on the basis that 38 storage containers will be sited on the land.
4. I also note that at my site visit the proposal appears to be in place and in use making this a retrospective appeal.

Main Issue

5. The main issue in this appeal is whether the site is a suitable location for the development having regard to the spatial strategy of the development plan.

Reasons

6. The site lies in a countryside location close to the village of East Walton. It is accessed from an unmade track which links Church Lane with the B1153. The track forms the boundary of one side of the site. It lies next to a site which is surrounded by a fence and appears to be used for external storage. The other two sides face on to open countryside. The site has a low bank with a hedge on top along the access road and where it adjoins the open countryside.
7. At present the site contains a number of storage containers which for the most part are painted dark green and are grouped in rows which allows for vehicular access to their doors. The site is discreetly located with very limited views being available from outside the site.
8. The development plan comprises the Kings Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (adopted version July 2011) (CS) and the Site Allocations and Development Management Policies Plan (adopted September 2026)(SADMPP). The reason for refusal refers to Policies CS08 – Sustainability- and CS10 – the Economy- of the SADMPP.
9. In general Policy CS08 focuses, amongst other things, on improving the quality of local development. However, it does support development which enhances community wellbeing by being accessible, inclusive, locally distinctive, safe and by promoting healthy lifestyles.
10. The appeal proposal provides locally available storage units which appear to be used by local businesses and residents. In these respects, the proposal supports people in the local area by providing for their storage needs away from the home. Moreover, the proposal is discreetly sited on land that was previously used for intensive livestock buildings. The nature of self-storage would mean that facilities of this type would be accessed by cars or vans due to the type of goods that would be stored. It would be unrealistic to expect the site to be accessed by public transport and adequately function as a self-storage facility. Consequently, I find that the appeal proposal is consistent with this Policy.
11. Policy CS10 aims to support and grow the local economy. It supports a rural exception approach to new development within the countryside and through a criteria-based approach to retaining employment land and premises. There is no dispute between the parties that the site has been previously in employment use for the production of quail eggs. Moreover, the policy recognises that agricultural uses also contributes to employment in countryside locations.
12. I recognise that the evidence demonstrates that the use of the site itself for the stationing of the storage containers will not directly create employment on the site. However, it will help to support local businesses by creating a storage facility close to their home and customer base and help to retain jobs on the Westacre Estate to administer the letting and management of the facility. In this respect it conforms with the intention of Policy CS10 to support the local economy and local employment.
13. The National Planning Policy Framework (the Framework), at paragraph 84, supports a prosperous rural economy by stating that planning decisions should enable, amongst other things, the development and diversification of

agriculture. The Framework would not therefore preclude the establishment of the business which is the subject of this appeal.

14. The Framework, at paragraph 85, also states that planning decisions should recognise that sites which meet the needs of local businesses in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. However, it outlines that in these circumstances it is important to ensure that the development is sensitive to its surroundings and does not have an unacceptable impact on local roads and exploits any opportunity to make a location more sustainable. I shall deal with the impact of the appeal proposal on local roads later.
15. However, it is clear to me that the provision of a self-storage facility in this location would benefit local businesses by providing storage facilities close to their home and customer base. Furthermore, it is more sustainable than if these local businesses had to drive a longer distance to access storage facilities on industrial estates in local towns or larger villages.
16. In terms of the development being sensitive to its surroundings it is located on a site which was previously occupied by buildings, the storage containers are low and its impact on the wider landscape is limited. I therefore consider that the appeal proposal is sensitive to its surroundings.
17. Consequently, I find no conflict between the appeal proposal and the policies of the Framework.
18. Overall, and for the reasons given above I find that the appeal proposal is consistent with Policies CS08 and CS10 of the SADMPP.

Other Matters

19. Access and highway safety matters have been referred to in the representations. The access to the B1153 is controlled by the owner of the appeal site and therefore access improvements to accommodate the appeal proposal are capable of being made. This can be subject to an appropriate condition should I be minded to allow the appeal. I therefore do not consider that highway safety at the junction of the unmade track and the B1153 to be unacceptably affected by the development.
20. In terms of the volume of traffic generated by the development and the effect this would have on the safety of other road users, whilst this would obviously be greater than when the site was vacant, it is common ground between the parties that the site has been in intensive livestock use in the recent past. Intensive livestock uses can generate significant vehicular movements, including large commercial vehicles. Self-storage units, on the other hand, once they are established, tend to be accessed less frequently and by private cars or small vans. Consequently, I do not consider that the appeal proposal would generate an unacceptable volume of traffic on local roads or the access track, nor would it unacceptably effect the safety of other users of these roads.
21. In terms of noise, whilst there could be a certain amount of noise generated by the use of the storage containers this is likely to be at a relatively low level and given the distance of the site to the nearest house would not cause any harm to the living conditions of the occupiers of that house.

22. Finally, the Council has referred to an application for self-storage that was refused at Abbey Farm, River Road, West Acre (LPA Ref: 19/00405/F). Whilst I have had regard to the Council's points regarding the similarity of that site to that before me, I have to determine this appeal on its own merits and the circumstances of the two sites will be different.

Conditions

23. As this is a retrospective application, I cannot put the standard time limit condition on any permission. However, it is necessary in the interests of clarity to reference the approved plans.
24. I consider it necessary in the interests of highway safety that a condition requiring the provision and implementation of a traffic management plan is attached to any grant of planning permission.
25. I consider it necessary to include, in the interests of highway safety, a condition that requires the junction between the access track and the B1153 to be improved, including the provision of visibility splays.
26. In the interests of the character and appearance of the locality a condition should be included to limit the maximum number of storage containers on the site at any one time to 38.
27. A condition is necessary to ensure that the containers are used for storage only and for no other purpose, in the interests of the character and appearance of the locality.
28. A condition is necessary to control the hours of operation of the facility in order to protect the living conditions of nearby residential occupiers.
29. Finally, whilst it has not been suggested by the Council, I consider that a condition is necessary to ensure that the containers are finished in an appropriate colour in order to protect the character and appearance of the locality.
30. The Council has suggested a condition that requires the storage use to be operated and managed in full accordance with the clauses set out in a Licence Agreement which has been submitted to them. I do not consider that this meets the tests for conditions set out in the Framework, as it is not necessary, as the clauses in the Licence Agreement should be enforceable through that agreement and not through the planning system.

Conclusion

31. For the reasons set out above I hereby allow the appeal.

Peter Mark Sturgess

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Old Pheantry_LOCATION PLAN(3-Mar_20); Old Pheantry_PROPOSED (26-Jul-20); Old Pheantry_AS EXISTING (18-Mar-20); Old Pheantry_PROPOSED (26-Jul-20), Old Pheantry – Perspective View; Old Pheantry_PROPOSED (26-Jul-20), Old Pheantry- Plan + isometric view.
- 2) Within 2 months of the date of this decision a Traffic Management Scheme, including directional signage for the re-routing of associated traffic shall be submitted to and approved in writing by the Council. The approved details shall be implemented within 1 month of the date of approval by the Council and thereafter retained for the lifetime of the development hereby permitted.
- 3) Within 4 months of the date of this decision, the junction of the access track with the B1153 (to the east of the appeal site) shall be altered to accommodate a minimum width of 5m in accordance with the Norfolk County Council field access construction specification Type 1 for the first 10m as measured from the back edge of the near channel edge of the carriageway of the public highway. The access once constructed shall be retained for the lifetime of the development hereby permitted.
- 4) Within 4 months of the date of this permission, visibility splays measuring 120m (north) x 2.4m x 160m (south) shall be provided to each side of the access where it meets the public highway at the B1153. The splays shall be maintained at all times free of obstruction exceeding 1.05m above the level of the adjacent highway carriageway.
- 5) There shall be a maximum of 38 shipping containers on the site at any one time.
- 6) The containers shall be used for storage purposes only. No external storage or display of goods shall take place outside any of the containers on the site.
- 7) Within 1 month of the date of this permission all the storage containers on the site shall be painted matt dark green, in accordance with a colour that shall have first been agreed with the Council. The containers shall be maintained in the agreed colour for the lifetime of the development.
- 8) The storage facility shall only be visited between the hours of 0700 and 2000 Monday to Saturday and 0800 and 1800 on Sundays, Bank Holidays or Public Holidays.

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