



Appeal Decision

Site visit made on 13 September 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/J0540/W/22/3295921

68 Helpston Road, Glinton PE6 7JT

- 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 G Bointon against the decision of Peterborough City Council.
 - The application Ref 21/01800/FUL, dated 10 November 2021, was refused by notice dated 25 February 2022.
 - The development proposed is described as “proposed construction of a single story dwelling on land to the side of the existing dwelling and change of use of former commercial buildings to domestic use only”.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The Council does not raise an objection to the construction of a single storey dwelling as shown on the submitted drawings. Therefore, the main issues are:
 - (a) the effect of the proposed change of use on the loss of an employment site; and
 - (b) the effect of the size and shape of the proposed plot and the retention and change of use of the existing buildings for domestic purposes on the character and appearance of the area.

Reasons

Loss of Employment Site

3. Condition C2 of the decision notice¹ restricts the use of the majority of the appeal site and the building to the rear of the appeal site for “the manufacture of windows and doors and for the repair, maintenance and storage of motor vehicles/agricultural vehicles (not including paint spraying) owned by Mr Bointon [the appellant] and for no other purpose (including any other purpose within Class B2 or Class A1² of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification...”.
4. The planning history of the site, detailed within the Council’s Officer Report, indicates that no subsequent permission has been obtained that changes the

¹ Planning reference 05/01975/FUL

² Class A1 of the Town and Country Planning (Use Classes) Order 1987 was changed to Class E on 1 September 2020

lawful use of the site from that previously approved. This is not disputed by the appellant. The lawful use of the site is therefore commercial, and the proposed development would result in the loss of an employment site.

5. Policy LP4 of the Peterborough City Council Local Plan, adopted 2019 (LP) relates to the spatial strategy for employment, skills and university development and includes policies in respect of the loss of employment sites and buildings to non-employment uses. The policy states that such losses will be considered on their merits taking account of the matters contained within four bullet points.
6. The appellant, within their appeal statement, has provided some information in respect of these matters. However, the information is not corroborated with evidence, and no evidence has been submitted to demonstrate that the appeal site has been marketed for a period of not less than 6 months reflecting the lawful use and condition of the premises, as required by the policy. It is therefore not known whether the loss of the lawful use of the land and building would adversely affect the economic growth and opportunities in the area the site and building serve; that the site is inappropriate or unviable for any employment use to continue; or that the appeal site is no longer capable of providing an acceptable location for employment purposes.
7. The change of use from an existing non-allocated employment site and building to a non-employment use would be contrary to Policy LP4 of the LP which, amongst other things, seeks to retain such employment uses unless evidence demonstrates that its loss is acceptable.

Character and Appearance

8. The appeal site is sited towards the western end of Helpston Road and comprises an L-shaped plot bounded by No 68 and No 70 Helpston Road, No 17 Chestnut Close and an agricultural field. The character of this part of Helpston Road is varied, with semi-detached two-storey dwellings set within similar sized plots, a detached bungalow set within a substantial plot, a recent housing development of detached dwellings set within irregular shaped plots on Farthingstones, a vehicle bodyshop repair garage, open fields and a manege.
9. The proposed dwelling would occupy the southern part of the appeal site and it is proposed to retain the existing buildings towards the middle and rear of the site and use them for domestic purposes. It is proposed to retain the size and shape of the plot and utilise it as garden for the proposed dwelling. My attention has been drawn to the regular development pattern of those dwellings to the east of the appeal site on Helpston Road, and on Chestnut Close. However, these dwellings form only part of the character of the surrounding area. The use of the whole of the L-shaped plot for the proposed dwelling would retain the existing variety of plot shapes and sizes and would therefore not harm the character or appearance of the surrounding area. Furthermore, a large amount of outside storage currently takes place within the appeal site and therefore the introduction of domestic paraphernalia within the proposed garden would be no more harmful from a visual amenity perspective.
10. It is acknowledged that the retention of the existing buildings and their use for domestic purposes associated with the proposed dwelling would result in these buildings having a larger footprint than the proposed dwelling, and that they would be larger than the existing outbuildings associated with dwellings in the

surrounding area. However, these buildings already exist and would not be altered by the proposed development. The established character of the surrounding area would therefore not be harmed by the retention of these buildings.

11. It is the appellant's intention to continue to use these buildings in association with his hobby that involves the repair and maintenance of vehicles. From my site visit, I could see that the buildings were fully utilised for this use, as well as for other domestic uses, such as accommodating a snooker room. The size and scale of the existing buildings is therefore justified for their uses. Furthermore, I have not been provided with a policy that restricts the scale of a domestic outbuilding or requires it to be subservient to the dwelling that it is to serve.
12. The retention of the existing plot shape and size and the use of the existing detached buildings for domestic purposes associated with the proposed dwelling would comply with Policy LP16 of the LP and Policy GNP3 of the Glinton Neighbourhood Plan, adopted 2021. Together, these policies seek to ensure that all development proposals positively contribute to the character and local distinctiveness of the area and make the best use of a site given its context.

Other Matters

13. The provision of one additional dwelling weighs in favour of the proposal and would make a contribution, albeit limited, to the Government's objective of significantly boosting the supply of new homes. Furthermore, the proposed dwelling would be located within the village envelope of Glinton, which has some services and facilities, and in close proximity to Peterborough, which can be accessed by public transport from Glinton. The occupiers of the proposed dwelling would therefore not be reliant on the private car for their day-to-day needs. I therefore attach moderate weight to these matters.
14. The appeal site is located in close proximity to neighbouring dwellings, and the proposed development would result in the cessation of the existing employment use from a potential reduction in vehicle movements and noise. However, the decision notice³ includes conditions that limit the days and times of operation, limit the maximum level of noise generation, and require all doors to be kept closed when the use is in operation. These measures would be sufficient to control the impact of the employment use on the living conditions of the occupiers of neighbouring properties. Furthermore, I have not been provided with any evidence that the use of the appeal site for the manufacturing of windows and doors has generated complaints, or that an employment use could not operate within the requirements of these conditions. I therefore attach limited weight to this matter.
15. The proposed dwelling would be a bungalow, and therefore it may be suitable for a less able person(s) to inhabit. However, no information has been provided as to whether the proposed dwelling would meet an identified need and no mechanism is in place to ensure that the bungalow would be limited to such a person(s). I therefore attach limited weight to this matter.

³ Planning reference 05/01975/FUL

Conclusion

16. I have found for the appellant in regard to the second main issue and compliance with the development plan. However, this would not be sufficient to outweigh the conflict with the development plan in respect of the loss of the lawful use of the appeal site for employment purposes. There are no material considerations worthy of sufficient weight to indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

A Berry

INSPECTOR