



Appeal Decision

Hearing held on 24 January 2023

Site visit made on 24 January 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/D0515/W/21/3283272

7 Station Road, Manea, Cambridgeshire PE15 0JL

- 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 Simon Howard (Howard Renovations Ltd) against the decision of Fenland District Council.
 - The application Ref F/YR20/1257/F, dated 9 December 2020, was refused by notice dated 20 August 2021.
 - The development proposed is the change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was revised during consideration of the planning application subject of this appeal. The revised scheme reduced the number of occupants from a maximum of 30 to 18, and also included the removal of the proposed flats whilst retaining an existing outbuilding. It is clear from the evidence before me that the interested parties to this appeal are aware of the changes and have had the opportunity to make representations on the revised scheme.
3. The revised description of development also includes reference to 'part retrospective', but it was confirmed at the Hearing that the change of use as applied for had not commenced. For clarity, I have considered this appeal based on the revised description of development as a proposal, and on the basis of the plans submitted to and considered by the Council.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of surrounding residential occupiers with regard to noise and disturbance and privacy;
 - whether the proposal would provide satisfactory living conditions for future occupants with regards to amenity space provision; and,
 - the need for agricultural workers accommodation.

Reasons

Living conditions of surrounding residential occupiers

5. The proposed change of use would provide shared residential accommodation for up to 18 residents. Although activity within the building would not likely be noticeable to surrounding residential occupiers, the proposal could result in a significant number of residents utilising the external amenity area to the rear of the site. Whilst the proposed residential use lies within a predominantly residential area and there have been no objections from the Council's Environmental Health Team, the level of activity from this number of people, in terms of talking and other usage of this space, would be greater than that of a typical family dwelling such as those around the appeal site. The shared accommodation would be occupied by a group of unconnected people, so the external amenity space would likely be used for greater lengths of time than a garden used by a family. Given the proximity of the appeal site to neighbouring properties on Station Road, and to those on Orchard Way to the rear, this element of the proposal would likely cause an unacceptable level of noise and disturbance to neighbouring occupiers, including to the occupants of the retained dwelling on the appeal site.
6. The Council has raised concern that the existing dwelling on the appeal site could be occupied intensively by several additional residents to those that would occupy the proposed 7-bedroom shared accommodation. Although this dwelling sits within the appeal site, no changes are proposed to the modest two-bedroom existing property. Therefore, I do not consider harm would be caused.
7. There would be frequent comings and goings to and from the appeal property due to the number of occupants, but other than the small number of parking spaces within the appeal site, vehicles would park on-street. The proposal would accommodate up to 18 occupants, and it was confirmed that around half the number of occupants would have vehicles. As such, the parking of around 6-7 vehicles that could not be accommodated within the site, would likely take place to the front of the appeal property or elsewhere along Station Road. Although some of these vehicle movements may be at 'unsociable' hours, given the expected number of vehicles and the likelihood that vehicles parking would be dispersed in different locations, I do not consider that this would give rise to undue noise and disturbance to surrounding residential occupiers. The appellant also confirmed that the minibus, referenced in written submissions, was not likely to be used, but even if it was, it would also be likely to lead to a reduction in private vehicle usage. Either way, I do not consider the proposal would be harmful to surrounding residential occupiers.
8. Concerns about a loss of privacy to the rear amenity space of the existing dwelling on the appeal site could be overcome by imposing a planning condition to secure a taller fence around the existing dwelling's amenity space than the 0.9m high picket fence which is shown on the proposed site plan.
9. Reference has been made to anti-social behaviour at the appeal property. The appeal scheme before me is however for a proposed use and there is no evidence, despite the potential level of occupancy, that this would necessarily give rise to anti-social behaviour.

10. Nevertheless, I conclude that the proposal would result in unacceptable harm to the living conditions of surrounding residential occupiers with regard to noise and disturbance. As such, the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan (Local Plan), which seek, amongst other matters, to promote high levels of residential amenity. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework), which seeks a high standard of amenity for existing and future users.
11. Reference has been made to Local Plan Policy LP15, but this is not relevant to living condition matters.

Living conditions of future occupants

12. The proposal would provide sufficient sleeping, washing and communal kitchen and living facilities to enable future occupants to have satisfactory living conditions. The Council's main area of concern relates to the limited outdoor space proposed. However, there are no local standards governing how much external amenity space should be provided.
13. From the information before me, and my site observations, the rear private amenity space would be compact, but it nevertheless would provide a usable outdoor space. The appellant has stated that the shared accommodation would not be occupied by families with children. I consider that the shared accommodation proposed would not be suitable for occupation by families due to its size and the reliance on shared facilities. There is no evidence before me that given the nature of the accommodation, with occupants not forming a single household, that the use of the communal amenity space could not be reasonably managed to meet their requirements.
14. The layout of the external area also provides for refuse and cycle storage, which would be of sufficient size to accommodate the required number of bins. Although concern has been raised by the Council on the practicalities of up to 8 bins being presented near the site's boundary with the road on collection day each week and the proximity of the window and door in the side elevation of the existing dwelling on the appeal site, the width of the drive and walkway mean that the practicality and usability of this servicing arrangement would not be harmful.
15. I therefore conclude that the proposal would provide satisfactory living conditions for its future occupants with regards to amenity space provision. As such, it would accord with Local Plan Policies LP2 and LP16 or Paragraph 130 of the Framework, which seek, amongst other matters, to provide sufficient private amenity space, suitable to the type and amount of development proposed. Local Plan Policy LP15, which relates to the creation of a more sustainable transport network is not relevant to living condition matters.

Need for agricultural workers accommodation

16. It is common ground between the main parties that there is a need for affordable, rural workers accommodation in Manea, where the main economic activities relate to agriculture. Despite the undisputed need for this type of accommodation, there wasn't any evidence provided to support its provision at this location, such as the lack of alternative sites in Manea or other areas that are accessible to agricultural enterprises in the surrounding rural area.

17. There may be advantages of housing 18 workers in one location, which is accessible to local services and public transport, but the appellant was not able to provide further details on where such workers would be employed, and whether their work would be co-located with one employer. As a result, there is no evidence that the provision of accommodation to meet the need for rural workers, could not be provided for at different locations, particularly as the submissions before me indicate that the occupants would be working in shifts and therefore could be living in different location.
18. The appellant has referenced problems faced by workers when they reside on an agricultural unit itself from noise and odour by general farming activity. However, I am not persuaded that alternative accommodation, such as mobile homes would necessarily provide unsatisfactory conditions as the appellant has set out.
19. To conclude therefore, there would undoubtedly be benefits arising from the provision of the accommodation that this appeal scheme proposes. It would comply with Local Plan Policy LP3 and paragraph's 60 and 84 of the Framework which set out the need to provide for groups with specific housing requirements and the support for a prosperous rural economy. I attach some weight to these benefits, but this is limited by the lack of justification for such accommodation to be at this specific site. The appellant confirmed that as well as workers in the agricultural sector, the proposed accommodation would be available to other occupants not working in this sector. This tempers the weight that I am able to afford these benefits.

Other matters

20. A comparison was made by the appellant to the Friday Bridge Camp¹ which provided accommodation to overseas contract farm workers. The Friday Bridge Camp is much larger than the proposal, which is said to have housed around 350 workers, in addition to providing a wide range of other on-site facilities such as a tennis court and football pitch. Its location and surroundings in a rural area also differs from the appeal proposal which is situated in a predominantly residential area. As such, the proposal is not directly comparable to the Friday Bridge Camp site.
21. I acknowledge that the Council sought to control the use of the occupation of the Friday Bridge Camp through planning conditions, including limiting the occupation through the peak season. However, limiting the occupancy levels to a number of months through the year at the appeal site would not address the harm that I have identified in relation to the first main issue and nor would a temporary permission be suitable for the same reasons given the impact the development would have on the living conditions of surrounding residential occupiers.
22. The use of the appeal property previously as a restaurant and associated accommodation has been referenced as a fallback position by the appellant. This was a long-standing use that would have generated vehicle parking and movements and associated noise and disturbance. The appellant has stated, with reference to a letter from the previous owners, that the restaurant was not viable and there is no evidence that this position has changed and that the site would be used again as such should this appeal be dismissed. Even if it

¹ Also referenced as Friday Bridge International Camp

was, unlike the appeal proposal, the rear outdoor area was not used by patrons or occupants and there is nothing before me that suggests it would in the future. As such, the restaurant fallback position, despite its unrestricted occupancy and late-night opening, would not be as or more harmful than the appeal scheme which would, due to the level of activity in the outdoor amenity space, give rise to harmful noise and disturbance to surrounding residential occupiers. I therefore attach limited weight to this consideration.

23. Reference was made to permitted development rights that could be exercised, including Class MA in Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which grants permission for a change of use from Class E to Class C3 (dwellinghouses). Although an interested party has referenced the potential for 2 or 3 homes, limited further information has been provided on this alternative scheme which would be subject to the prior approval process. If I were to consider that there was a real prospect of the fallback position advanced taking place, the use of external amenity areas serving up to three dwellings would be less harmful than the external amenity space to the proposal as they would not be used by a large group of unconnected people. As such, the fallback position does not justify the appeal proposal.
24. The proposal would reuse an existing building and make effective use of land in a 'Growth Village' as defined by the Local Plan. It will support local services and provide employment during the construction works. These matters weigh in favour of the proposal, albeit these matters carry moderate weight given the size of the appeal building.
25. The proposal would not give rise to any harmful impacts on highway safety and there have been no objections from a number of consultees, including the local highway authority and Cambridgeshire Fire and Rescue Service. There would also be no impact arising on the built and natural environment or on infrastructure. These are neutral matters and not ones which weigh in favour of or against the development.
26. The appellant has set out that pre-application advice was sought, and this informed the appeal application. However, I have considered the proposal on its planning merits having regard to the evidence before me.

Conclusion

27. I have considered the contribution this proposal would make to the provision of affordable rural workers accommodation and supporting a prosperous rural economy. However, such benefits attract limited weight for the reasons set out. I have attached moderate weight to the reuse of an existing building and the benefits to local services and trades.
28. The proposal would provide satisfactory living conditions for future occupants but a lack of harm in this regard and to other identified matters are neutral considerations.
29. I have found that the proposed development would be harmful to the living conditions of surrounding residential occupiers with regard to noise and disturbance. This harm would be permanent and I ascribe this substantial weight which would not be outweighed by the positive benefits of the scheme.

30. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal is dismissed.

F Rafiq

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Adam Tuck	Cheffins
Simon Howard	Howard Renovations Ltd
Ian Howard	Howard Renovations Ltd

FOR THE LOCAL PLANNING AUTHORITY:

David Rowen	Fenland District Council
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INTERESTED PARTIES:

Gerald Carey	Local Resident
Charlie Marks	Councillor, Fenland District Council