



Appeal Decision

Site visit made on 21 March 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/X3540/W/22/3309436

Land at 1 Charity Cottage, Swilland Road, Otley IP6 9NE

- 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 and Mrs S Clarke against the decision of East Suffolk Council.
 - The application Ref DC/22/1361/FUL, dated 4 April 2022, was refused by notice dated 29 June 2022.
 - The development is described as "Retention of use of land for the stationing of shipping containers for storage use. Retention of access track".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above has been taken from the appeal form rather than the planning application form. This is because the main parties, during the consideration of the planning application, agreed to include the access track as part of the development proposal. I have therefore considered the appeal on this basis.
3. The shipping containers were sited on the land and the access track has been constructed. Therefore, I am considering this appeal retrospectively.

Main Issue

4. The main issue is whether the appeal site is in a suitable location for employment development.

Reasons

5. The development comprises the siting of 10 shipping containers on land to the north of Swilland Road (the B1078) together with an access track. To the east of the appeal site, separated by a field (also in the appellants' ownership), is the appellants' dwelling. The shipping containers are used for the storage of machinery and materials associated with the appellants' business, which manufactures garden rooms and other timber framed structures. As such, the development falls within Use Class B8 of the Town & Country Planning (Use Classes) Order 1987, as amended.
6. The appeal site is located in the countryside. Policy SCLP3.3 of the East Suffolk Council - Suffolk Coastal Local Plan, adopted 2020 (LP) states that new employment development will not be permitted in the countryside except where specific policies in the Local Plan or Neighbourhood Plans indicate

otherwise. On this basis, the LP does not prevent employment development in the countryside as a matter of principle.

7. Policy SCLP4.5 of the LP relates to economic development in rural areas and states that proposals will be supported provided they comply with a closed list of requirements from (a) to (e). Criterion (b) requires the scale of the enterprise to accord with the Settlement Hierarchy. The Settlement Hierarchy is detailed at LP Policy SCLP3.2 while Table 3.4 summarises the type and scale of development that are supported within the different categories of the hierarchy. For employment development in the countryside, this includes “new employment uses where need is demonstrated (Policy SCLP4.2)”. The other types of development specified within Table 3.4 are not directly relevant to the appeal proposal.
8. LP Policy SCLP4.2 states that proposals for new employment development falling within Use Classes B1, B2 and B8 on land outside of settlement boundaries will be permitted where a need for additional employment development has been demonstrated or it can be demonstrated that there is no sequentially preferable land available adjacent to existing Employment Areas, within existing Employment Areas or within Settlement Boundaries and: (a) it would not have an unacceptable adverse impact on surrounding land use; and (b) it avoids, or adequately mitigates, any adverse impact on the character of the surrounding area.
9. The pre-text to the policy provides guidance on the evidence that should be submitted to support such proposals including, but not limited to, economic forecasts, the specific locational requirements of the development, and a review of available land and premises. The information before me does not include such evidence. Furthermore, I have limited information regarding the operation of the business, its staff, or its area of coverage. Therefore, the appellants’ assertions that the storage of the machinery and materials elsewhere would be significantly less convenient than the appeal site, would affect the efficiency of the business, and reduce vehicle emissions, have not been robustly substantiated.
10. Paragraph 81 of the National Planning Policy Framework (‘the Framework’) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. While paragraph 85 of the Framework states that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, no substantive evidence has been provided to demonstrate that the appeal site is required to meet the needs of the business.
11. The development does not comply with paragraph 84(a) of the Framework as, even if a shipping container could be considered a ‘building’, as functional boxes, they are not well-designed.
12. In reference to the main issue, the appeal site is not in a suitable location for employment development. It conflicts with Policies SCLP3.2, SCLP3.3, SCLP4.2 and SCLP4.5 of the LP which, amongst other things, seek to control the spatial distribution of development across the plan area, direct development towards the settlement boundaries, avoid the loss of further undeveloped land in the countryside, and control the sprawl of existing settlements.

13. LP Policy SCLP4.3 refers to the expansion and intensification of employment sites. The appeal site does not have permission for use as an employment site and therefore this policy is not applicable to the determination of the appeal.

Other Matters

14. The appeal site is located in proximity to Suffolk New College, Suffolk Rural (Otley) which comprises a number of buildings grouped together on the opposite side of Swilland Road. Although these buildings are prominent within the surrounding area, they are not directly comparable to the appeal proposal.
15. While the Council has raised no concern regarding the effect of the development on the surrounding area or the living conditions of the occupiers of neighbouring properties, these are neutral matters.

Conclusion

16. For the reasons given above, the development conflicts with the development plan as a whole and there are no material considerations worthy of sufficient weight that indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

A Berry

INSPECTOR