



Appeal Decision

Site visit made on 18 April 2023

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/U1430/W/22/3290715

Land at Johns Cross Cafe, Johns Cross Road, Robertsbridge TN32 5JH

- 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 M Horley against the decision of Rother District Council.
 - The application Ref RR/2021/1907P, dated 2 August 2021, was refused by notice dated 8 November 2021.
 - The development proposed is for the replacement of existing self-storage containers and construction of buildings for self-storage (Class B8) along with parking, landscaping and use of existing access to the A21, with access considered.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing self-storage containers and construction of buildings for self-storage (Class B8) along with parking, landscaping and use of existing access to the A21, with access considered on land at Johns Cross Cafe, Johns Cross Road, Robertsbridge TN32 5JH in accordance with the terms of the application, Ref: RR/2021/1907P, dated 2 August 2021, subject to the conditions set out in Annex A.

Preliminary Matters

2. For clarity, I have used the description of development given on the Council's decision notice.

Background and Main Issue

3. The power to grant outline planning permission is contained in S92 of the 1990 Act and Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. These allow the Council to grant permission subject to a condition specifying reserved matters for the authority's subsequent approval. In this case all matters other than access are reserved for future consideration. Therefore, the submitted plans and details provided as indicative, show what may, not necessarily what will, be constructed. Indeed, the appellant has made it clear that the details have been submitted for illustration purposes only. As such, the appellant is not tied to such plans and there may be alternative ways of developing the site that will be determined as a reserved matters application
4. However, as the Council considered matters related to appearance, the main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is found adjacent to the A21 highway and is bounded by a close-boarded fence and some trees to the rear which shield a number of metal self-storage containers. The storage enclosure has double timber gates to the front which lead to a hardstanding that has two service areas that run either side of a central bank of containers.
6. I acknowledge that there are discretionary powers available to the Council under S62 of the Town and Country Planning Act, which include consideration of particulars they think necessary or relevant. Moreover, Article 3 of the General Development Procedure Order (GDPO) 1995 provides that where an outline application is made, the Council may decide that the application cannot be considered separately from all or any of the reserved matters. Nonetheless, in this case the Council did not request further information about the appearance, landscaping, layout or scale of the proposed self-storage development building/s (B8). As such, without prejudice, I have no reason to believe that a satisfactory form of development in terms of the reserved matters including appearance, landscaping, layout and scale could not be achieved at reserved matters stage.
7. Turning to the matter of access, the appeal site is accessed from the main highway over a tarmacked crossover. While I noted at my site visit that the A21 is well used, the existing access to the appeal site is relatively wide with sight lines that allow for views of the traffic in either direction. It is also likely that the access would be used in a similar way and frequency to the existing use and that of the adjacent café and valeting/tyre businesses, which appear to benefit from an additional crossover to the south of the appeal site. As such in my view, subject to a condition related to highway safety, the access is safe and suitable for the purpose proposed. My opinion is reinforced by the fact that 'Highways England' has not recorded an objection to the proposal.
8. I conclude therefore, that the proposal would accord with the aims of the Rother Local Plan Core Strategy 2014, the Rother District Council Development and Site Allocations Local Plan 2019, and the National Planning Policy Framework (the Framework), which says, amongst other things, that in assessing sites, it should be ensured that safe and suitable access to the site can be achieved for all users.

Conditions

9. I have considered the Council's suggested conditions against Paragraph 55 of the Framework and the national Planning Policy Guidance and imposed the following conditions: a requirement for the submission of details related to reserved matters, a standard time limit condition associated with reserved matters and a standard time limit condition related to the commencement of the development hereby approved. For certainty and highway safety, I have included a condition related to the existing access.
10. I have also considered whether it is necessary to impose any of the other suggested conditions provided by the Council. However, given that the proposal is for an outline permission, it has not been necessary to include conditions related to the construction of the development.

Conclusion

11. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Appendix A – Conditions

- 1) Details of the appearance, landscaping, layout and scale, hereinafter called "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) There shall be no means of vehicular access to the site other than from the existing access on St John's Cross Road (A21) which shall be retained thereafter.

*****End of Conditions*****