



Appeal Decision

Site visit made on 6 June 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/H0520/W/22/3309685

Cromwell House, Heath Road, Warboys PE28 2UW

- 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 T. Struggles (Cromwell Fire Ltd) against the decision of Huntingdonshire District Council.
 - The application Ref 20/00728/FUL, dated 9 April 2020, was refused by notice dated 27 April 2022.
 - The development proposed is the erection of two buildings to form four industrial units and single storey extension to existing buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the suitability of the appeal site as a location for the proposed development, with particular reference to the requirements of the development plan;
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties with particular reference to noise; and
 - the effect of the development upon ecology.

Reasons

Suitability of the site

3. The appeal site is located outside of allocated settlement boundaries and is within a rural area. The vicinity of the site features some further commercial buildings, in addition to other undeveloped areas that are used for agriculture. The site is accessed by a road which does not feature any form of street lighting, pavements and has a speed limit of 60 miles per hour.
4. By reason of the nature of the proposed development, it is likely that there would be an increase in the number of people looking to travel to and from the appeal site. This raises a concern given that the surrounding area does not feature any form of access to public transport. Although I am aware that there are bus stops within the nearby village, they are a notable distance away from the appeal site.

5. This means that users of the development would therefore need to make a further journey between the bus stop and the appeal site. In result, this lack of convenience is likely to encourage direct journeys to the site. I understand that the site is on a bus route and that buses, on request, may stop at unscheduled locations. However, I understand that this is dependent on safety.
6. The evidence before me does not indicate whether this applies to the appeal site. Therefore, this suggestion does not overcome my previous concerns as I cannot be certain that employees of, and visitors to, the proposed development would be able to use public transport in this way.
7. By reason of the surrounding road network, it is likely that any such journeys on foot, or by bicycle, would need to be made within the road. This is due to the absence of any separate environment for either pedestrians or cyclists. Furthermore, the surrounding road network does not feature any form of street lighting. This, when combined with the fact that passing vehicles are likely to be travelling at a notable speed, is likely to deter people from travelling by these means due to the potential conflicts with the movement of vehicles. This is particularly noticeable during periods of poor lighting or adverse weather.
8. In light of these circumstances, it is likely that the proposed development would result in an increase in the number of journeys being made by private cars owing to the lack of a suitable and welcoming environment for both pedestrians and cyclists, even though the appeal site contains an appropriate amount of car parking.
9. In reaching this view, I have had regard to the fact that the site features existing commercial uses. However, the development by reason of the fact that it would increase the level of activity at the appeal site would result in an increase in the movements of people via private car.
10. This is a concern given that I have been directed towards adopted planning policies within the Development Plan, as well as sections of the National Planning Policy Framework (the Framework) that seeks to encourage the movement of people by mechanisms other than private car. For the foregoing reasons the proposed development would conflict with this objective. This applies even though the proposed development would result in the provision of additional business facilities on an existing business site.
11. I therefore conclude that the proposed development would be unsuitably located. The development, in this regard, would conflict with Policies LP2; LP16; and LP19 of the Huntingdonshire Local Plan (2019) (the Local Plan). Amongst other matters, these seek to ensure that developments are directed towards a hierarchy of locations; that opportunities are maximised for the use of sustainable travel modes; and that developments meet defined criteria.

Living conditions

12. The appeal site consists of an existing commercial building, with a car park to the front. There is also a large, undeveloped area to the rear of the site. The surrounding area is predominantly rural in nature. However, there are some other commercial uses in the wider area. The appeal site is also adjacent to a dwelling, which has a garden next to the undeveloped portion of the appeal site.

13. The proposed development would result in an increase in the overall level of built form. It is therefore likely that the development would result in an increase in the amount of vehicle movements. This would therefore generate a greater amount of noise. This increase in noise would be supplemented by noise generated from vehicles being loaded and unloaded.
14. In addition, the layout of the proposed development is such that the doors of the proposed new industrial units would face the side boundary of the appeal site. In addition, the vehicular access of the development is sited alongside the shared boundary with the neighbouring residential property. This means that the noise generated from the proposed development would be clearly audible at the nearby dwelling.
15. Therefore, the increase noise and disturbance is likely to result in an erosion of the living conditions given that the proposed development would create disturbance during periods where residents might be expecting a greater degree of peace and quiet. In reaching this view, I have had regard to the fact that the proposed development would be closest to the rear garden of the neighbouring dwelling. Therefore, the proposal is likely to result in a diminished ability for residents to undertake recreation.
16. I note that the proposed development would operate alongside other commercial facilities and would be near to a busy road. Although these are likely to generate some noise in their own right, the development would be closer to the neighbouring dwelling than the existing sources of noise. This means that that the appeal scheme would be more prominent.
17. Furthermore, the proposed development would result in an overall increase in the level of noise within the surrounding area. This would therefore result in a reduced ability for the occupiers of the nearby residential properties to undertake recreation activity.
18. I am mindful that it would be possible to impose a condition that would restrict the hours in which the proposed development could operate. Although this would serve to reduce the noise that would emanate from within the proposed buildings, it would not prevent noise from arising during other periods of time, such as during the day.
19. Given the generally undeveloped character of the surroundings, the proposed development would result in notable erosion of living conditions. In addition, any such condition would not prevent noise arising from activities such as vehicle manoeuvres, which could still take place even when the units are not being used. In result, such a condition would not overcome my concerns.
20. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of nearby dwellings. The development, in this regard, would conflict with Policy LP14 of the Local Plan. Amongst other matters, this seeks to ensure that new developments maintain amenity for users and occupiers of neighbouring land and buildings.

Ecology

21. The proposed development is located within the countryside. Outside of the appeal site the surroundings are characterised by the presence of undeveloped land which includes A neutral amount of landscaping, such as hedges and

trees. Therefore, it is likely that the surrounding area and the appeal site itself is used for foraging by some types of wildlife.

22. The proposed development would result in a notable increase in the overall level of built form. This would include the provision of the new buildings, but would also include the provision of parking and vehicle manoeuvring areas. This would mean that the wildlife would have a diminished ability to forage for food.
23. This matter could be potentially addressed through the submission of surveys, such as into the presence of reptiles. However, although some documentation has been included as part of the appeal submissions, these are several years old. In result, there is a reasonable likelihood that the presence, or absence, of any such species may have changed in the period of time since the surveys were carried out. In result, I am unable to ascribe them sufficient weight in order to overcome my previous concerns.
24. It has been suggested that, had I been minded to allow this appeal, I could have imposed a condition that would require the carrying out of further, updated surveys into the presence of reptiles. Although I appreciate that the carrying out of such surveys is dependent upon the appropriate season, I am unable to impose a condition to secure the carrying out of this work.
25. This is because should such species be present at the appeal site, there is a likelihood that some degree of mitigation would be required in order to ensure that they are not harmed, or habitats unnecessarily eroded. However, without certainty regarding the type of species that are present and their number, it would not be possible to establish the level, and type, of mitigation that would be required.
26. In result, any such condition would not have the requisite level of precision as it would not be possible to encapsulate the works that would be needed and whether these could be reasonably provided. Therefore, such a condition would be unreasonable and would not overcome my previous concerns.
27. I therefore conclude that the proposal development would have an adverse effect on ecology. The development, in this regard, would conflict with the requirements of Local Plan Policy LP30. Amongst other matters, this seeks to ensure that all potential adverse impacts on biodiversity and geodiversity are investigated.

Other Matters

28. The development is unlikely to have an adverse effect upon the character and appearance of the surrounding area and would not result in the loss of agricultural land. Although matters of note, they are only some of all the matters that must be considered and therefore do not outweigh my findings in respect of the main issues.

Conclusion

29. The proposed development would have an adverse effect upon living conditions and ecology. In addition, the proposed development would be inappropriately located. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the

development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR