



Appeal Decision

Site visit made on 1 August 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/F3545/W/22/3305602

Karro Food Group Ltd, Haverhill Road, Little Wratting CB9 7TD

- 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 Jaynic Properties Ltd against the decision of West Suffolk Council.
 - The application Ref DC/21/0938/FUL, dated 23 April 2021, was refused by notice dated 31 March 2022.
 - The development proposed is change of use from B2 general industrial use to B8 open storage use.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from B2 general industrial use to B8 open storage use at Karro Foods Group Ltd, Haverhill Road, Little Wratting CB9 7TD in accordance with the terms of the application, Ref DC/21/0938/FUL, dated 23 April 2021, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. During the course of the appeal, revised versions of the Site Plan and Landscape Plan 2 were received. The revision to the site plan comprised a text update and revised Landscape Plan 2 includes additional tree planting along the northern site boundary in response to comments made by the Council. I consider that neither party would be prejudiced by my acceptance of these plans, and I have determined the appeal on the basis of the revised plans.

Main Issues

3. The main issues in this appeal are the effects of the proposal on:
 - the character and appearance of the area; and
 - biodiversity, with particular regard to protected and priority species.

Reasons

Character and appearance

4. The appeal site was formerly occupied by industrial buildings within a wider factory complex. A former large abattoir building has recently been demolished and the site cleared. Extensive areas of hardstanding, a car park, access gate, boundary fencing, and floodlights remain on the site.
5. Operational factory buildings are situated to the north of the site, beyond the A143 road. To the rear of the appeal site is a wastewater treatment facility

- which serves the remaining operational factory site. A water treatment works is also situated opposite the front of the appeal site, and close to the junction of the A143 and B1061 Haverhill Road.
6. The existing industrial buildings, highway, and water infrastructure in proximity of the appeal site contribute a functional appearance to the character of the immediate area.
 7. However, land to the south of the appeal site and within the appellant's ownership, formerly provided a sports ground for the factory complex. The sports ground is now an unused area of grassland which descends toward the River Stour and blends into the surrounding countryside.
 8. Therefore, within its wider context, the appeal site and surrounding industrial features sit within an open, rural landscape, identified as Rolling Estate Farmlands LCT by the Suffolk Landscape Character Assessment.
 9. The extent of the proposed area to be used for open storage is demarcated on the site plan, and the appellant indicates that the maximum height of the storage would be 5.5m. The appearance of the proposed open storage would change depending on the type of goods stored and the intensity of the use at any given time. However, through specifying the height and area of the proposed open storage, the overall volume of the development is demonstrated by the proposal. To provide greater certainty and ensure the proposed development does not exceed these stated thresholds, I have attached a planning condition specifying the area to be used for open storage and its maximum height.
 10. The appeal site is extensively screened by mature trees and hedges along its boundaries. Views into the site are generally limited by existing vegetation along the site boundaries which is proposed to be retained by the development.
 11. There are some gaps between trees and hedges along the northern site boundary through which the A143 road and factory buildings are visible from the site. However, there is no pedestrian footway and views into the site from this short section of road would be limited to fleeting glimpses from passing vehicles. Given the industrial character of the adjacent factory complex, the presence of the open storage would not result in significant visual harm from this viewpoint. Furthermore, as indicated on Landscape Plan 2, there would be additional planting along this boundary thereby providing further screening of views from the road.
 12. The open storage would be set back from the site access and behind the existing parking area. Trees along the front and side boundary and on the wide section of highway verge would generally obscure views into the site from the B1061 Haverhill Road and from the junction with the A143. There is no pedestrian footway along the B1061, therefore views of the open storage would be limited to distant glimpses from passing vehicles through the break in the tree belt at the site access.
 13. The Stour Valley Path public right of way (PROW) follows the course of the River Stour. Agricultural land, the river course, and the wastewater treatment centre provide considerable distance and separation between the appeal site and the PROW.

14. The Landscape and Visual Impact Assessment (LVA) provides assessment from viewpoints within the surrounding landscape. From viewpoints 5, 6 and 7, situated at intervals along the PROW, the LVA finds the proposed development would be perceived as a background component in the view which, due to existing mature vegetation, would be barely discernible. The LVA recommends additional planting within the wider land ownership to the southeast of the appeal site to provide a layering effect of vegetation for views from the Stour Valley Path PROW. Consequently, the proposal would not adversely affect the character of the landscape for users of the PROW.
15. Overall, the LVA demonstrates that the proposed development would not be visually prominent in the landscape and would not appear incongruous within its landscape setting or have significant adverse visual impacts on the character and appearance of the area.
16. However, to minimise the visual effects of the proposal, the LVA recommends strengthening of existing visual screening through additional planting, as indicated on Landscape Plans 1-7. Whilst additional planting would take time to establish, since the visual impacts of the development would not be significant in the short term, visual harm would not arise during the duration of the growing period. To ensure the proposal's visual effects are minimised, I have attached conditions requiring a scheme of soft landscaping and its future management.
17. Root protection areas for existing trees are not demarcated on the landscape plans. However, the proposed area of open storage would be generally set in from the boundaries, providing separation from existing trees, and located on areas of existing hardstanding or within the former building's footprint. Therefore, the presence of open storage would not pose a significant risk to the health of existing trees.
18. The appellant has submitted a Unilateral Undertaking (UU) to control the implementation of the proposed landscaping. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Since the landscaping scheme can be secured through condition, the UU is not required.
19. The appeal site is within land allocated as a rural employment area by Policy RV4 of the Rural Vision 2031. Policy RV4 indicates that land is available for development for employment purposes within rural employment areas. Therefore, there is a clear expectation that the site will be developed over the course of the plan period.
20. As set out above, the proposal would not appear incongruous within the context of the adjacent river valley and agricultural landscape and would not therefore harm the character and appearance of the area. The proposal would therefore comply with Policies DM2 and DM13 of the Joint Development Management Policies Document 2015 (JDMPD) which requires proposals to recognise, address and maintain the key features and characteristic of the landscape's character, taking mitigation measures as appropriate.

Biodiversity

21. The site is situated within the Stour Valley River corridor, a valued ecological corridor with good connectivity to nationally and locally designated habitats.
22. The Preliminary Ecological Appraisal (PEA) surveyed the appeal site and land beyond the site's boundaries, notably the extensive area of grassland at the former sports ground. The extent and scope of the PEA was greater than the appeal site and the proposed development. The PEA concluded that the area surveyed is of moderate local value for wildlife.
23. The Trundley and Wadgell's Wood, Great Thurlow SSSI, designated for its substantial area of ancient, semi-natural woodland, is located 2km north of the site. In addition, there are three County Wildlife Sites (CWS) within 2km of the site. The PEA considers that the appeal site is unlikely to provide significant supporting habitat for any species within the SSSI or CWSs and employment development would not increase visitor pressure on the SSSI or CWSs. The proposed development would not therefore impact significantly on the interest features of the SSSI or the ecological value of the CWSs.
24. Bats are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), as well as the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000. A tree beyond the appeal site's northern boundary was identified as having low potential for bat roosts. The tree would not be directly affected by the proposed development.
25. An underground structure within the appeal site boundary was unable to be surveyed by the PEA for its potential for roosting bats. Whilst the PEA recommended the structure be surveyed, it is outside the area of the proposed open storage and is not therefore expected to be affected by the development. Consequently, a survey of the structure's potential to support roosting bats is not necessary to make the proposed development acceptable in planning terms.
26. The PEA therefore indicates that the proposal development would not affect areas with the potential for bat roosts. In the event roosting bats are discovered on-site, a separate Natural England licensing regime exists to ensure their protection and the PEA sets out additional guidance and mitigation measures were such an event to arise. The proposed development would not therefore harm roosting bat species.
27. However, the PEA identified a high likelihood of the presence of foraging or commuting bats within the area surveyed. The risks arising from the proposed development would be through indirect disturbance from the development and its subsequent operation on foraging and commuting bats.
28. The site has been unused for an extensive period and therefore provides a dark, nocturnal habitat. The PEA identifies that any significant increase in lighting on the site could pose a moderate risk of indirect impact to foraging and commuting bats by rendering retained habitat unsuitable. To reduce this risk to a negligible level, the PEA sets out impact avoidance measures including the use of sensitive lighting. To avoid harm to commuting and foraging bats, I have attached a planning condition requiring approval of a lighting design strategy. Furthermore, disturbance after dark during months of greatest bat

activity can be avoided through a condition specifying the operational hours of the site.

29. Evidence of reptiles were identified within grassland outside the appeal site and the PEA recommends further surveys of reptile populations be undertaken. Reptiles are protected under the Wildlife and Countryside Act 1981 and are Section 41 species.
30. However, no reptile specimens were identified within the boundary of the appeal site, which comprises predominantly areas of hardstanding and rubble following demolition of existing building, and therefore differs significantly from the area of grassland identified as being of highest value to reptiles. Based on the PEA's findings of the location of specimens and high value habitats, the proposed development would not harm reptile species or their habitats. Further surveys are therefore not necessary in relation to the appeal proposal.
31. Based on the PEA's recommendations and to ensure protected and priority species are conserved and to provide a net gain in biodiversity, I have attached a planning condition requiring submission of a Biodiversity Enhancement Strategy.
32. As set out above, the PEA demonstrates that the proposed development would not adversely affect the ecological corridor or related habitats. The proposed development would not harm roosting bats or reptile species. The adverse effects on foraging and commuting bats can be appropriately mitigated through planning conditions. In addition, the LVA indicates that soft landscaping provided by the development would enhance the ecological value of the Stour Valley River corridor. On this basis, the proposed development would not have adverse effects on biodiversity, including on protected and priority species.
33. Consequently, the application does not conflict with JDMPD Policy RV9 which requires development to maintain and enhance the Green Infrastructure network, and JDMPD Policies DM10 and DM11 which together restrict development which would have an adverse impact on protected species and seeks to maintain the integrity of sites of wildlife value and diversity and their relationship with other ecological resources.

Other Matters

34. Concerns were raised by two parish councils in the area regarding the effects of the proposal on highway safety, particularly at the road junction of the A143 and B1061. The Highway Authority indicates that it would be disproportionate to condition the proposal with major alterations to the junction's layout. Consequently, a condition requiring works to the junction would not be reasonably related in scale to the development, and would thus conflict with paragraph 57 of the Framework.
35. The Council's Public Health and Housing team raised concerns regarding the effects of the proposed development from vehicle movements on nearby dwellings. To avoid noise and disturbance to occupants of nearby dwellings, I have attached a condition limiting the times at which deliveries may be taken or dispatched.

Conditions

36. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans.
37. As set out above, I have found that some of the recommendations made by the PEA are not directly related to the development proposed. Consequently, the suggested condition requiring implementation of all mitigation and enhancement measures described by the PEA would not be necessary to make the development acceptable in planning terms. I have also omitted the PEA from the list of approved plans.
38. However, to ensure protected and priority species which may utilise the site are conserved and to provide a net gain in biodiversity, I have included a condition requiring submission and approval of a Biodiversity Enhancement Strategy. To avoid adverse impacts on foraging and commuting bats, I have included a condition requiring the submission and approval of an external lighting strategy.
39. To ensure the character and appearance of the area in accordance with the recommendations of the LVA and Landscape Plans, I have attached conditions requiring the submission and approval of details of a scheme for soft landscaping and its future management.
40. To protect the living conditions of the occupants of nearby dwellings from noise and disturbance, I have included a condition specifying the hours for deliveries to and from the site. In addition, this condition would ensure that activity on site would not harm commuting and foraging bats after dark during months of greatest activity.
41. For conciseness, I have collated the suggested conditions relating to the sustainable management of surface water, in accordance with JDMPD Policy DM6, into a single condition.
42. To limit the visual impacts of the proposal and avoid harm to the character and appearance of the area, I have attached a condition specifying the maximum height and area to be used for open storage. The area demarcated for use as open storage is indicated on the approved site plan, as specified in Condition No 2. However, for the sake of clarity, I have also included reference to the area of open storage in Condition No 9.
43. Since the appeal proposal relates to the change of use of the site to B8 use, the suggested condition specifying the site be used only for uses within this class is not necessary.

Conclusion

44. For the reasons given above, having regard to the development plan taken as a whole, and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 11073-FSA-XX-XX-DR-A-0200 P01 26.4.21; Site plan 11073-FSA-XX-XX-DR-A-0201 P08 26.4.21; Flood Risk Assessment 60931 1.11.21; Landscape plan 1 JBA 22/204-01 A 4.11.22; Landscape plan 2 JBA 22/204-02 B 4.11.22; Landscape plan 3 JBA 22/204-03 A 4.11.22; Landscape plan 4 JBA 22/204-04 A 4.11.22; Landscape plan 5 JBA 22/204-05 A 4.11.22; Landscape plan 6 JBA 22/204-06 A 4.11.22; Landscape plan 7 JBA 22/204-07 A 4.11.22.
- 3) A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans;
 - d) Persons responsible for implementing the enhancement measures;
 - e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to first use of the development and shall be retained in that manner thereafter.

- 4) Prior to first use of the development hereby permitted a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for protected species; and that are likely to be disturbed by lighting;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the local planning authority.

- 5) Prior to first use of the development hereby permitted a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the local planning authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species.

- 6) Prior to first use of the development hereby permitted a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the landscape management plan, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
- 7) Prior to first use of the development hereby permitted a strategy for the implementation, maintenance, and management for the disposal of surface water on the site shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Surface water shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 8) Deliveries shall be taken at or despatched from the site only between the hours of 07:00 and 19:00 on Mondays to Saturdays and not at any time on Sundays or on Bank Holidays.
- 9) The open storage permitted on the site shall be sited within the area demarcated on Site plan 11073-FSA-XX-XX-DR-A-0201 P08 26.4.21 only and shall be retained no higher than 5.5 metres from ground level.

END OF SCHEDULE