



Appeal Decision

Site visit made on 1 August 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/X3540/W/23/3314806

2 Elm Cottages, Yarmouth Road, Corton, Suffolk, NR32 5NQ

- 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 Lee Wilkinson against the decision of East Suffolk Council.
 - The application Ref. DC/22/4421/FUL, dated 8 November 2022, was refused by notice dated 12 January 2023.
 - The development is described as 'Proposed details is to site 32ft x 10ft portable office cabin onto an existing hard stand/footings (on a existing building footprint). All utilities would be provided from existing dwelling. Change of use is to be a tattoo studio for one artist (myself) which would be open from 10.00 to 15.00, 3 days a week, Tuesday Wednesday, Thursday. By appointment only so nobody arriving without prior notice. There is plenty of existing parking available on the property but will only need one space for the studio, so no public parking needed'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the appeal site visit, the parties were invited to comment on the potential to attach additional planning conditions aimed at controlling the operation and level of activity in the appeal building. The Council repeated its opposition to the development in principle, and the appellant did not respond. As such, I have determined the appeal on the basis of the scheme as submitted without additional controls beyond the conditions suggested by the Council.
3. The portable building the subject of this appeal is already in place. The appellant's statement advises that the building would be clad in horizontal timber cladding, as shown on Studio Elevations 02. However, this is not a plan upon which the Council made its decision, and the planning application form confirmed that no external materials were proposed. The drawings submitted with the appeal are dated 16 January 2023, after the application was refused. I do not consider that any third party would be prejudiced by my acceptance of a revised plan showing this change in materials. However, as the building is already in place, a condition requiring a timescale for the proposed cladding would be required. As the appellant has not confirmed such agreement, I have determined the appeal as originally submitted, for the siting of a metal portable office cabin.

Main Issues

4. The main issues are (1) whether the site is suitable for the use, having regard to the Council's growth strategy and focus for commercial activity; and (2) the visual impact of the outbuilding on the character and appearance of the area.

Reasons

Location

5. The appeal building is located to the rear of the garden of 2 Elm Cottages, a semi-detached brick building within a cluster of housing surrounded by open countryside. The dwelling fronts onto the busy A47 Yarmouth Road, but it and the appeal building are served by vehicular access from Stirrups Lane to the side. Although the site is within a rural location, the land to the east and south is allocated for the North of Lowestoft Garden Village. The Council confirms that the appeal site is not within the area of the allocation, although once the Garden Village is built, the appellant considers that the site would be part of the town/village centre. However, no information has been supplied of the timetable for its delivery, and the appeal site is currently set within a small cluster of buildings within a wider open rural area, some distance from a main settlement.
6. The Council's growth strategy as set out in Policy WLP1.1 of the East Suffolk Council Waveney Local Plan 2019 (LP) focuses much of the areas housing and employment development towards Lowestoft and other main settlements, and LP Policy WLP1.2 confirms that new employment and town centre development will not be permitted in the countryside except where specific policies in the Local Plan indicate otherwise. A tattoo studio does not fall into any of the use classes listed in the supporting text to the policy, but such a use, providing employment and offering services to visiting members of the public, would typically be found within town centres. LP Policy WLP8.18 sets out a sequential approach to town centre development, but allowing it in the countryside would require evidence to demonstrate a lack of suitable and available sites within a settlement boundary. Out of centre sites should be accessible by public transport and for pedestrians and cyclists, and with good links to the town centre.
7. The appellant advises that a town centre location would not be financially viable for the time that the studio would be open, and that there are no suitable sites available within the town centre due to space, location and cost. I do not doubt that the hours and days that the studio would be open would limit the options, but no evidence has been supplied to demonstrate that there are no other suitable premises available.
8. As a sole trader of a small business in Norfolk, the appellant's continued trade would contribute to the local economy, and I have given this weight. In view of the rural location distant from any town centre, this would not be a suitable location for a business use attracting high numbers of visitors, who would likely travel by car given the limited options for pedestrians, cyclists and public transport. However, in this case, I do not consider that the low level of commercial use indicated by the appellant in the submission would be of a nature that should only take place within a town centre location, but without evidence of a lack of alternative premises the development would conflict with the sequential approach set out in Policy WLP8.18.

9. In addition, I am not persuaded that the Council's suggested condition on the hours during which the premises would be open to trade to the public would alone be sufficient to avoid activity which would be more appropriately located within a settlement.
10. I therefore conclude that, as submitted, the site is unsuitably located within a rural area for the use, having regard to the Council's growth strategy and focus for the location of businesses. This would be contrary to LP Policies WLP1.1, WLP1.2 and WLP8.18, which is consistent with the sequential approach to development set out in section 7 of the National Planning Policy Framework.

Character and Appearance

11. The outbuilding which has been installed is a metal, flat roofed portable building that is utilitarian in character and appearance. However, its visual impact beyond the site boundaries is reasonably restricted due to the siting of neighbouring outbuildings and its set back position from the roadsides. Nevertheless, neighbouring structures are largely timber clad or of brick construction, and more sympathetic in their materials to the semi-rural setting. Although no details have been provided, it is understood that a former building on the hardstanding was of brick and timber construction.
12. As installed, the outbuilding is out of keeping with the character and appearance of surrounding buildings, and appears as an unacceptably urban feature in this garden setting. I conclude that this would be contrary to the design objectives of LP Policy WLP8.29, which amongst other criteria requires proposals to respond to local context and the form of surrounding buildings in matters including the use of materials and detailing appropriate to the local vernacular.

Other Matters

13. I appreciate that the Parish Council, highway authority and Fire service raised no objections to the proposal, but public consultation is only one aspect to be taken into account in decision-making.

Conclusion

14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR