



Appeal Decision

Site visit made on 11 July 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/A1530/W/22/3307713

**Land to the rear of 50-68 Blackberry Road, Stanway, Colchester, Essex
CO3 0RZ**

- 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 Kemal Dagdelen against the decision of Colchester Borough Council.
 - The application Ref 221637, dated 20 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is retrospective temporary change of use of part of existing car park for a storage compound (3 years).
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Decision

1. The appeal is allowed and planning permission is granted for temporary change of use of part of existing car park for a storage compound (3 years) at Land to the rear of 50-68 Blackberry Road, Stanway, Colchester, Essex, CO3 0RZ in accordance with the terms of the application, Ref 221637, dated 23 June 2022 and the plans submitted with it, subject to the following conditions:
 - 1) The use hereby permitted shall be for a limited period being the period of three years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition, including the removal of any building, material, equipment and hard landscaping no later than the expiration of the three year period.
 - 2) The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Number: 1001/DAG/40 Received 23.6.22.

Preliminary Matters

2. At the time of my site visit, I saw that the development was substantially complete and I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on highway safety with particular regard to parking provision.

Reasons

4. The appeal site comprises a row of shops located within a residential area. The area surrounding the shops is hard surfaced and contains a number of marked parking spaces. Four parking spaces have been enclosed with fencing to the rear of the site and the area is being used for storage.

5. The row of shops is set back from Blackberry Road, which is a residential road and other than a zebra crossing, contains no parking restrictions. There is a layby immediately in front of the shops which contains parking for several cars and there are more marked bays immediately in front of the shops.
6. While the development has resulted in the loss of four parking spaces, an additional two spaces would be created by the proposal, as such, there would be an overall loss of two parking spaces. I note that the Council suggest that some of the spaces are unlikely to be policy compliant, however have provided no evidence as to which parking spaces. In my view the parking spaces are of similar size to the existing and appear to be adequate for vehicles to park in and there appears to be sufficient room to manoeuvre.
7. I am mindful of comments from the Council and interested parties which state that the row of shops is busy, and the area is generally highly trafficked. I also noted from my site visit that comings and goings to the shops are frequent. However, due to the type of shops, visits are likely to be for short periods of time. The busiest part of the site is where cars are using the layby and marked bays in front of the shops.
8. There is a one-way system for cars that runs to the rear of the shops, and I observed during my site visit that the spaces to the rear were generally free. There is insufficient evidence before me to suggest that the appeal site is at capacity for parking, and I am therefore not persuaded that the loss of spaces results in vehicles being parked on the highway.
9. The appeal site is close to public transport links and due to its proximity to a large area of housing, it is accessible by cycling and walking which correspondingly reduces the need for car parking. I am also mindful that cars are informally parking on the site boundaries which is roughly where the appellant is proposing the two additional marked spaces. Due to the wide access and egress of the car park this additional parking is not causing an obstruction.
10. I therefore conclude that there are no harmful effects on highway safety and I find no conflict with policies DM15, DM21 and DM22 of the Colchester Borough Council Local Plan Colchester Borough Local Plan 2017-2033 Section 2 Adopted July 2022. Amongst other things these policies seek to ensure that development integrates safe vehicle access, there is capacity to accommodate the type and amount of traffic generated and ensure that the correct level of parking is provided.
11. I also do not find conflict with paragraphs 111 and 130 of the National Planning Policy Framework which seek to ensure that places that are safe, inclusive and accessible and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

12. I have had regard to the previous appeal decision¹ however this differs from the proposal in front of me as no further retail or residential space is proposed and as such there is no requirement for further parking to be considered. In any case I have considered the proposal on its own merits.

¹ APP/A1530/W/17/3169298

13. Interested parties have raised concerns over the effect of the proposal on the character and appearance of the area. I note that the Council have found the proposal to be acceptable in this regard and I have no reason to conclude differently.
14. I note that concern has been raised regarding property damage, rubbish and the retrospective nature of the proposal. However, I am only able to consider the planning merits of the appeal and as such, these matters have not altered my decision.

Conditions

15. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
16. In order for the appellant to establish if the storage area is viable, it is necessary to impose condition 1, making the permission temporary and requiring the removal of the building, equipment, material and hard landscaping at the end of that period.
17. Condition 2 specifies the approved plan for the avoidance of doubt.

Conclusion

18. For the reasons set out above I conclude the appeal should be allowed.

D Wilson

INSPECTOR