



Appeal Decision

Site visit made on 10 July 2023

by C Harding BA(Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2023

Appeal Ref: APP/F2605/W/22/3299886

135 Dereham Road, Mattishall, NR20 3NU

- 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 William Smith against the decision of Breckland Council.
 - The application Ref 3PL/2021/0671/F, dated 23 June 2021, was refused by notice dated 1 December 2021.
 - The development proposed is garage/store/office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is another appeal at this site which will be subject to a separate decision.

Applications for costs

3. An application for costs has been made by Mr William Smith against Breckland Council in connection to both appeals. That application will be subject to a separate decision.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the living conditions of existing occupiers of nearby properties, with particular regard to noise and disturbance, and;
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Living conditions

5. I understand that the appellant operates a plumbing and heating business that has separate premises in Norwich. I also understand that due to 24-hour call-out requirements, that there is a need to store vehicles and materials at the appeal site, which currently occurs informally within the garden area and to the front of the appeal property.
6. The evidence indicates that the proposal would provide secure storage for two commercial vans, as well as a general storage area, and that at present two such vehicles are stored within the site, along with materials, on an informal basis. However, it is unclear from the evidence whether both commercial vans that are stated as being stored at the property currently are, or would be, operated by occupiers of the appeal property. Moreover, the building is clearly larger than that required for just the storage of two vehicles. Notwithstanding

that the appellant uses other premises elsewhere, it is likely that increased commercial storage activity may also occur at the site, with increased levels of activity about the building, given the general way in which the proposal has been described.

7. At present, it is to be expected that a level of noise and disturbance is currently generated at the property by the occasions on which the appellant's business is required to attend call-outs. Although the appellant has advised that the number of vehicles stored at the site would not increase, the proposed building would formalise the existing activity.
8. The proposed building would be located either a similar distance or further from the closest neighbouring property than the closest existing external parking locations. However, whilst I acknowledge that at present that vehicles could be parked and material stored anywhere within the site without restriction, the opening and closing of the doors to the storage building would generate additional noise in comparison to any activity that may currently take place.
9. Additionally, although vehicles returning to the site would use a revised access to the south of the appeal site, further from the neighbouring property than at present, they would nevertheless be required to travel close to the shared boundary with the neighbouring property when entering or leaving the proposed building.
10. Furthermore, although no details are specified within the evidence, it is also likely that the proposal would include lighting internally, if not externally that could spill away from the building. As a result, I consider that there would be material differences between the operation of the appeal site following the proposed development, and the present informal arrangements.
11. Despite the substantial boundary treatment and immature planting between the properties, given the proximity of the neighbouring property to this boundary, it has not been shown that these measures would mitigate noise or disturbance to a significant degree.
12. I therefore conclude that the proposals would lead to significantly more non-domestic activity about the site than is currently the case. This would harm the living conditions of occupiers of the neighbouring property with particular regard to noise and disturbance. The proposals would therefore be contrary to BLP Policy COM03 and MNP Policies ECON1 which together, and amongst other factors state that new development should not cause unacceptable effects on the residential amenity of neighbouring occupants.
13. The Council also consider that the proposal would fail to comply with MNP Policy ECON3, however although this policy relates to home-based and small businesses, it makes no reference to potential effects upon the living conditions of the occupiers of nearby properties. Accordingly, I do not find conflict with it, insofar as this main issue is concerned.

Character and appearance

14. Although the appeal proposal would involve a large building, the appeal site comprises a generously sized rear garden, and as a result it could be accommodated without appearing as an overdevelopment of the site. By being located within the existing garden area, the proposal would not comprise an extension into open countryside.

15. Furthermore, the appeal site boundaries, except where shared with the neighbouring property, are generally formed by mature planting and trees which currently provide a significant level of screening. As a result, and regardless of the success or otherwise of any additional planting, the appeal proposal would not be widely prominent when seen from public vantage points, including in the gateway view into the village.
16. Whilst it is possible that a new structure could be visible above vegetation to some extent, the proposals would be seen as a building of agricultural proportions, appearance and materials in the context of agricultural fields. Accordingly, such a building would not appear incongruous within this context.
17. I therefore conclude that both proposals would not harm the character and appearance of the area. They would therefore be in accordance with BLP Policies COM01 and GEN02 and MNP Policies ENV02, ECON1 and ECON3, which together, and amongst other criteria, require new development to be designed to the highest possible standard, integrate with and respect the surrounding area, be of materials that respect local character, and take account of the relationship between Mattishall and its hinterland.

Other Matters

18. I acknowledge that the proposal would allow the appellant to secure vehicles and materials within secure premises, and I note that the property has been subject to thefts and damage in the past. The potential reduction of crime is a factor that weighs in the favour of the proposal. However, it has not been shown that the proposal represents the only means of improving security at the site. I therefore afford this moderate weight in my considerations.
19. I appreciate that the proposal was originally recommended for approval by the Council's officers. Nevertheless, that was not the ultimate decision of the Council, and I have determined the appeal on the basis of the evidence presented to me.

Conclusion

20. Although the proposal would not harm the character and appearance of the area, it would lead to harm to the living conditions of the occupiers of a neighbouring property. It would conflict with the development plan as a whole, and I afford this conflict significant weight.
21. The proposal would have the potential to reduce crime at the appeal property and in doing so would support a small business. The Framework highlights that crime and disorder can undermine quality of life, and also advocates the support of businesses. These are factors to which I afford moderate weight.
22. For the reasons given, there are no material considerations, including the Framework, which would outweigh the conflict with the development plan which I have identified, or justify taking a decision other than in accordance with the development plan. Accordingly, the appeal is dismissed.

C Harding

INSPECTOR