

# Appeal Decision

Site visit made on 15 January 2024

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 February 2024**

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**Appeal Ref: APP/W3710/W/23/3327232**

**P and C Coils Ltd, Anker Street, Nuneaton, Warwickshire CV11 4JL**

- 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 S Chaudry against the decision of Nuneaton and Bedworth Borough Council.
  - The application Ref 039516, dated 20 March 2023, was refused by notice dated 24 May 2023.
  - The development proposed is the change of use of the land to van sales by appointment only including the installation of temporary buildings to support the use and the erection of a palisade security fence.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect on the character and appearance of the area.

## Reasons

3. The site is a large plot of land that previously accommodated industrial buildings. It is in an area of residential properties although there are also other commercial uses on Anker Street and King Edward Road. The use has commenced and the structures and boundary palisade fencing are in place.
  4. The site is designated in the Nuneaton & Bedworth Borough Council Borough Plan 2011–2031 (2019)(BP) as an existing employment site. It is included in table 12 to policy E2 which sets out that although industrial, it will not be protected from non-economic development. However, it does not preclude such a use. The council therefore accept that the change of use would be acceptable in principle. Their concerns relate only to the visual impact.
  5. The site is generally well contained, being hidden from view by the houses on King Edward Road to the west and Attleborough Road to the south. Although there is an access from King Edward Road, the site itself is set well back from the road and although the palisade fence is not an attractive feature, it is not generally visible except when looking directly down to the end of the access drive. As it is situated a significant distance from the road and to the rear of the adjacent property, it has a limited wider impact. The northern boundary adjoins communal private residential parking areas and access ways and is
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close to the side gables of residential properties. It is separated from these by a high timber fence. This boundary is more directly exposed to public view from the turning head of Clarkson Close. However, much of the boundary is screened by planting. The structures within the site are generally of a low height and set well within the site. They therefore have little wider public prominence.

6. The long eastern boundary of the site adjoins Anker Street. This has been enclosed by the use of high palisade security fencing and gates which are built immediately adjacent to the back of the pavement. The fencing is prominent and its design and form results in an extremely unattractive boundary. There is a high timber fence that also bounds this section of road to the south but this has a more satisfactory appearance. As this is a partly residential street, the use of this type of fencing and the lack of a setback of this boundary, to allow for a more sensitive boundary arrangement, represents extremely poor design, even having regard to the mixed residential/commercial context. It is harmful to the character and appearance of this area. It also does not provide sufficient screening of the large vehicles parked behind it which also detract from the appearance of the site. The development is therefore contrary to the requirement for a high standard of design set out in BP policy BE3.
7. The appellant has suggested that planting could take place behind this fence in order to soften its impact. Although helping to screen the vehicles, this would not sufficiently reduce the harm from a fence of this nature in this position. Whilst security is essential, this could be achieved in a manner that would be significantly less harmful, albeit that more of the site may be required to achieve it.
8. Reference has been made to the previous use and the industrial buildings that formed the Anker Street boundary. The photographs indicate that although these formed the eastern boundary, only the southern wall, corner pier and steel gate remain. The buildings have been removed and I am not aware of any development, other than a one metre high boundary, that could be lawfully built without formal consent. The planning history does not indicate any extant permissions. Any alternative proposal for the site would have to be considered on its own merits and in accordance with the development plan policies. In these circumstances, there is no fall-back position against which the development could be judged, only the cleared site as approved by application reference 039182. I have had regard to the remaining commercial premises opposite and the history and designation of the site but I must consider this proposal on its own merits.
9. I have had regard to other policies of the development plan. BP policy DS1 requires that the council take a positive approach that reflects the presumption in favour of sustainable development contained in the *National Planning Policy Framework 2023*. Given that the proposal represents poor design, it does not represent sustainable development. This is a previously developed site within the settlement and the current use provides employment and generates economic activity. It has been accepted that the use is suitable with regard to BP policy E2 and it also gains support from policy DS2 given its use and location. Whilst its sustainable location is supported by policy DS3, the proposal conflicts with the policy's environmental requirements. Policy E2 also offers support for re-use of employment sites. The *Framework* similarly supports

economic activity. The jobs created and the economic activity being undertaken must be given considerable weight.

10. In conclusion, I afford considerable weight to the continued commercial use of this longstanding employment site and the re-introduction of employment in this sustainably located, previously developed site within the urban area. However, the impact of the use on Anker Street has not been adequately considered. The boundary is poorly designed in that it fails to screen the use and also represents a very poor frontage. The presence of other palisade fences in the wider area does not indicate that it should be utilised in this setting. As this element of the site could be substantially improved so as to enhance the street scene and the character and appearance of the area, I find that these design shortcomings and the harm that results, outweighs the matters that weigh in favour of the proposal. Given the scale and nature of the changes required, I am not satisfied that such alterations could be adequately required by condition as, in the absence of such details, a condition would not be sufficiently precise.
11. A number of matters have been raised by neighbouring residents with regard to the impact of the development on their amenity. The nature of my visit meant I was only able to assess the proposal from public vantage points. I was not therefore able to fully assess the impact of the structures, vehicles or activities on specific adjacent residents with regard to outlook or noise. However, given my conclusion with regard to the main issue, this is not a matter on which my decision would turn. As there are no matters sufficient to outweigh my concerns with regard to the poor design of the eastern boundary, I dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**