



Appeal Decision

Site visit made on 26 February 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/D0515/W/23/3323645

3-5 Prospect Way, Chatteris, Cambridgeshire PE16 6TZ

- 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 Sojoud Zand against the decision of Fenland District Council.
 - The application Ref F/YR23/0210/F, dated 21 February 2023, was refused by notice dated 15 May 2023.
 - The development proposed is single row of storage racking x 2 double row of storage racking used for pallets of storage of new goods.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. One single row and a double row of storage racking has been installed and is in use for storage purposes. Another row of racking has been removed. The application is therefore part retrospective. For the avoidance of doubt, I shall make my decision against the plans submitted with the application and as listed on the decision notice.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupants of neighbouring properties, with regard to outlook, privacy, noise and dust.

Reasons

4. The appeal site is located on an industrial estate and is in use for storage and distribution purposes. The site is separated from residential properties fronting Kingfisher Close by a close boarded fence and a narrow alleyway. A large building occupies part of the site adjacent to the rear boundary. The remaining area comprises hardstanding primarily used for the storage of goods.
5. The rows of storage racking are positioned to the side of the building close to the shared boundary with the dwellings at Kingfisher Close. The racking extends across the width of, and is clearly visible from, the gardens of the neighbouring residential properties. The excessive height of the racking, alongside the proximity to the dwellings, results in an overbearing and unneighbourly form of development, which significantly harms the outlook of the occupants of those properties.
6. The appellant suggests that the height of the racking could be reduced and netting installed to screen the racking. However, no detailed plans are before

me showing such amendments. Furthermore, accepting the principle of such alterations would deprive those who have an interest in the proposal from a chance to comment.

7. CCTV cameras are attached to the racking, including in a position that may allow views beyond the appeal site. The appellant advises that the direction of the camera does not allow for such views. Nonetheless, while there may not be direct views outside of the site, the position and direction of the camera results in perceived overlooking of neighbouring properties. The CCTV infrastructure is required for security and insurance purposes, particularly given the historic security issues at the site. However, I cannot be certain that there is no suitable alternative position for the cameras, which provides the requisite level of security whilst protecting the privacy of neighbouring residents.
8. The racking is used for the storage of pallets of materials relating to the storage and distribution use. Although related to the lawful use of the site, the position of the racking increases the activity within the part of the site closest to the neighbouring dwellings. The lack of any physical barrier to contain noise and dust, in addition to the increase in activity and excessive height of the racking exacerbates the disturbance experienced by occupants of the neighbouring dwellings.
9. No substantive evidence has been provided, in the form of a noise assessment and air quality assessment, to define the noise and dust levels at the site and identify whether any mitigation measures are required as a result of the racking. On this basis, I cannot be certain that the development would not have an adverse impact on the living conditions of neighbouring residents in respect of noise and dust.
10. I conclude that the proposal would have a harmful effect on the living conditions of the occupants of neighbouring properties, with regard to outlook, privacy, noise and dust. The development would therefore conflict with Policies LP2 and LP16 of the Fenland Local Plan (2014), which collectively seek to avoid adverse impacts on the amenity of neighbouring users.

Other Matter

11. The development would help to support an existing business, which has utilised a previously unoccupied site. However, the benefits to the local economy would not outweigh the harm that I have identified. Furthermore, I am not persuaded that appropriate storage solutions cannot be provided either elsewhere on the site or in a different form to the current development.

Conclusion

12. The proposal would conflict with the development plan as a whole. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR