



Appeal Decision

Site visit made on 5 March 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/H0520/W/23/3330331

The Plough, Milk and Water Drove, Farcet, Cambridgeshire PE7 3DR

- 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 C Harris against the decision of Huntingdonshire District Council.
 - The application Ref is 23/00486/FUL.
 - The development proposed is change of use to commercial vehicle storage and depot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
3. I saw on my site visit that the appeal site is currently in use for car storage to the front. The evidence suggests that this area has also been used for car sales for several years. Additionally, I observed an element of lorry parking / storage to the rear of the site. The appellant's statement of case confirms that the appeal scheme seeks to regularise the use on site and to expand the lorry storage / depot use. The appeal is thus considered part-retrospectively.

Main Issues

4. The main issues are:
 - Whether the appeal site provides a suitable location for the development, with regard to the provisions of the development plan pertaining to development in the countryside;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on highway safety; and
 - The effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise.

Reasons

Development in the countryside

5. The appeal site is located outside of local settlements and therefore considered to be in the countryside. Policy LP10 of Huntingdonshire's Local Plan to 2036,

dated May 2019 (the Local Plan), stipulates that development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies in the plan.

6. Policy LP19 of the Local Plan supports businesses with a genuine need to be located in the countryside, to assist farms to maintain their viability and to set out the Council's approach to proposals for other businesses in the countryside. The policy wording indicates that a proposal for new business development will be supported where it meets one of the several criteria listed. Policy LP19 also supports the expansion of established businesses and farm diversification.
7. While the appeal site is previously developed land, the evidence indicates that the existing use commenced following closure and demolition of the public house previously on site. Moreover, while the subsequent use of the site for vehicle storage / sales may have been ongoing for several years now, there is no formal determination before me, such as a Lawful Development Certificate (LDC), confirming this use is lawful. The appeal scheme thus does not constitute expansion of an established business.
8. The appeal site is not within or immediately adjoining an Established Employment Area. Furthermore, the appeal scheme does not involve the reuse of land in use or last used for business uses (class 'B'), or the reuse or replacement of existing rural buildings. It would also not assist farms to maintain their viability through diversification. The appeal scheme therefore does not fall within the criteria listed within Policy LP19 of the Local Plan.
9. I conclude that the appeal site does not provide a suitable location for the development, with regard to the provisions of the development plan pertaining to development in the countryside. It is contrary to Policies LP10 and LP19 of the Local Plan. These policies, among other provisions, seek to promote and maintain a vibrant and healthy rural economy, and support traditional agricultural and other land-based businesses, as well as the continued diversification of rural businesses, while recognising the intrinsic character of the surrounding countryside.

Character and appearance

10. The appeal site comprises a rectangular parcel of land subdivided into two similarly sized sections. To the front is a mix of gravel and dirt surfaces. This area was occupied by a considerable number of tightly parked cars at the time of my site visit. A tall metal fence extends through the interior of the site and along part of the frontage. There is also a small portable cabin set back from the road. The remainder of this part of the site is enclosed by temporary security fencing. An access road runs along the western boundary and extends to the rear of the site. To the rear, there is more hard surfacing and gravel, on which I saw there were several cars and lorries parked.
11. The wider site is enclosed on both sides and to the rear by mature tree and shrub planting. The rear part of the site is also enclosed by an evergreen hedge subdividing it from the front part of the site. The front boundary of the site however benefits from only limited landscape screening.
12. The surrounding area is predominantly rural in character, with agricultural fields extending in all directions. The landscape is flat, with mostly low-lying vegetation, allowing long distance views. Development is somewhat sporadic

and includes a mix of agricultural and residential buildings and uses. I did observe other commercial activity along the B1095, including a fishing lake, aggregate crushing, a farm shop and some limited examples of external vehicle storage or parking. However, the external storage of cars and commercial vehicles is not otherwise a prevailing characteristic of the area.

13. The use of the appeal site for commercial vehicle storage and depot would thus be out of keeping with the prevailing character and appearance of the area. In particular, the proliferation of parked vehicles, trailers, hard surfacing and metal fencing would appear somewhat urban and industrial. This would not be sympathetic to the intrinsic character and beauty of the open countryside.
14. Given the exposed nature of the front boundary, the activity to the front of the site is particularly prominent in local views. While I recognise the front part of the site is currently being used for car storage and sales, there is no compelling evidence to confirm this use is lawful and so this carries limited weight.
15. Activity to the rear of the site would be appreciably screened by vegetation, and this would therefore be less harmful to the character and appearance of the area. However, the plans before me do not clearly distinguish the different parts of the site, and how they will operate, from one another.
16. I conclude that the appeal scheme would have a harmful effect on the character and appearance of the area. It would therefore be contrary to Policies LP10, LP11 and LP12 of the Local Plan. These policies, among other provisions, seek to protect the intrinsic character and beauty of the countryside, require proposals to respond positively to their context and the area's character and identity and successfully integrate with the landscape. It would also conflict with paragraph 135 of the Framework, which requires that decisions ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Highway safety

17. The appeal scheme would be accessed via an existing access off the B1095. I saw on my site visit that this route is relatively busy. The development would include the use of the site by up to 40 vehicles and trailers. The appellant advises that current vehicle movements are very limited with most lorries leaving on Monday morning and returning on Friday afternoon. As such, there are generally few vehicles on site during the week and lorries are parked up on site over the weekend.
18. There is otherwise limited information before me regarding the traffic profile of the development or the proposed internal arrangement of the site. In particular, the layout of parking and manoeuvring areas is not shown, nor has any swept path analysis been provided. Satellite images of the site do not provide sufficient clarity in respect of this matter. The appellant indicated to the Council that they would provide an additional drawing in response to concerns raised by the Local Highway Authority (LHA) however this has not been forthcoming.
19. The plans before me therefore do not clearly demonstrate how the site would accommodate the level of lorry parking proposed, or that sufficient space would be retained for vehicles to manoeuvre to allow them to enter and exit the site safely in a forward gear. The effect of the proposed number of vehicles and

trailers and the timing of their movements on the local highway network is also unclear. Similar concerns regarding the absence of information in respect of this matter were raised by the LHA.

20. The appellant contends such matters could be reserved for approval by means of a planning condition. However, I cannot be certain on the basis of the information before me that the appeal scheme would be acceptable in this regard, or whether additional conditions might otherwise be required, for example to control vehicle numbers and movements. It is thus not appropriate for this matter to be reserved to a condition in this case.
21. My attention has been drawn to planning permission¹ granted by the Council for expansion of HGV facilities at Peterborough Services, which the appellant advises provided similar parking and manoeuvring space to the appeal scheme. However, only limited details of that case are before me and so it is difficult to draw any meaningful comparisons. This does not lead me to a different conclusion on this main issue.
22. I conclude that the appeal scheme would have a harmful effect on highway safety. It would be contrary to Policy LP17 of the Local Plan. This policy, among other provisions, states that a proposal will be supported where it incorporates appropriate space for vehicle movements and adequate parking. Moreover, it requires a clear justification for the space for vehicle movements and levels of vehicle parking proposed, taking account of highway safety and access to and from the site, among other matters. It would also conflict with paragraph 115 of the Framework, which indicates that development may be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Living conditions

23. The appeal site is located close to 2 neighbouring dwellings. The appellant indicates that the use of the site would be increased to 40 vehicles and trailers if the development were permitted. While it may not be used for maintenance or other noisy operations carried out on the lorries, a commercial vehicle storage and depot use is still likely to result in a degree of noise arising from various sources, such as vehicle engine and reversing sounds, lorry cab and trailer doors opening and closing, and refrigeration units.
24. The ease with which vehicles can enter and exit the site and the parking areas may affect noise levels, yet the layout of parking and manoeuvring areas and their positions relative to sensitive neighbouring uses is ambiguous. While current vehicle movements may be limited and primarily occurring on Monday morning and Friday afternoon, the information regarding the activity on site is otherwise lacking in detail. A noise impact assessment has not been provided, and there is little clarity on background noise levels, hours of operation or the specific type and quantum of vehicles. It has therefore not been demonstrated that the appeal scheme would not result in harmful levels of noise.
25. Representations from the Council's Environmental Health section raised similar concerns. While a copy of those comments was not provided to the appellant, they have had an opportunity to respond to these through the appeal process. Ultimately, while the Council may not have brought this matter to the attention

¹ Council Ref 18/02709/FUL

of the appellant prior to issuing a decision on the application, this does not indicate that the appeal scheme before me is acceptable in this respect. Additionally, while the site may have been operating in some capacity for several years without complaints in respect of amenity, this does not in itself adequately demonstrate the appeal scheme would not give rise to noise issues.

26. I conclude that the appeal scheme would have a harmful effect on the living conditions of the occupiers of neighbouring properties, with particular regard to noise. It would therefore be contrary to Policy LP14 of the Local Plan. This policy, among other provisions, seeks to ensure a high standard of amenity is maintained for users and occupiers of neighbouring land and buildings, and that predicted adverse noise impacts, including internal and external levels, timing, duration and character, will be acceptable. It would also conflict with paragraph 135 of the Framework, which seeks to ensure developments create places with a high standard of amenity for existing and future users.

Other Matters

27. The appeal scheme would reuse previously developed land. The Framework seeks to support the effective use of land. Paragraph 124 states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other needs. Paragraph 89 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
28. The appeal site is not within, nor well-related to, an existing settlement. It has also not been demonstrated that there is a need for the appeal scheme in this location. Moreover, given the harm identified, it has not been demonstrated that the appeal site would be a suitable brownfield site, or the appeal scheme would provide a suitable opportunity for the use of previously developed land.
29. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the appeal scheme.

Conclusion

30. The proposed development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR