



Appeal Decision

Site visit made on 2 April 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2024

Appeal Ref: APP/F2605/W/23/3324338

Land off Shipdham Road, Shipdham IP25 7RP

Easting (x) 595081 Northing (y) 306521

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by T L Barnes against the decision of Breckland Council.
 - The application Ref is 3PL/2022/1099/F.
 - The development proposed is erection of a workshop for vehicle and agricultural machinery repairs.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issues

3. The main issues are:
 - (i) whether the appeal site is a suitable location for the development having regard to the development plan and national policy;
 - (ii) the effect of the proposal on the character and appearance of the area, including landscape character;
 - (iii) the effect of the proposal on highway safety; and
 - (iv) if there is any harm identified under the main issues, whether such harm is outweighed by the personal circumstances put forward by the appellant.

Reasons

Location

4. Policy GEN 01 (Sustainable Development in Breckland) of the Breckland Local Plan (2019) (LP) sets out that the LP will seek and enable development that improves the economic, social and environmental objectives of Breckland through the application of national and locally distinctive sustainable development principles. One of these principles is to direct jobs and growth

towards the most sustainable locations contributing towards the economy and jobs in rural areas, helping to achieve the right balance throughout the District.

5. The site is not isolated in terms of the definition in the Framework. Even so, there is no dispute between the main parties that the appeal site sits outside any defined settlement boundary. Policy GEN 05 (Settlement Boundaries) of the LP confirms that outside the defined settlement boundaries, development is restricted to recognise the intrinsic character and beauty of the countryside and will only be acceptable where it is compliant with all relevant policies set out in the development plan.
6. In this regard, Policy EC 04 of the LP applies to the appeal proposal. This policy confirms that proposals for employment uses outside 'General Employment Areas' and allocated sites will be permitted where there are no other suitable sites available on identified or allocated employment sites and/or there are particular reasons for the development not being located on an established or allocated employment site.
7. The appellant accepts that other sites exist within the identified employment sites within the district but suggests that locating the workshop there could lead to issues with traffic generation given the large vehicles that may come and go from the site. However, they also assert that the volumes of associated traffic would not be great and there is no detailed information before me to demonstrate that it would have an unacceptable impact on local roads. This somewhat undermines the appellant's reasoning provided for not locating within an identified employment site.
8. Paragraph 87 of the Framework confirms that decisions should recognise and address the locational requirements of different sectors. In this regard the appellant suggests that the reason for locating on the appeal site is due to it being close to farms. However, this could be said for many sites in the countryside and there may also be sites within settlement boundaries that are within reasonable proximity to farms.
9. Moreover, the suggestion that the development would provide essential services to farmers is not supported by any substantive evidence. For example, no details of a client base together with the proximity of these clients to the appeal site have been provided. It is also not clear what percentage of the work associated with the business would relate to agricultural machinery. With these factors in mind, it has also not been substantiated why the proposal would lead to a more efficient operation and a quicker turnaround of repairs for the local farming sector as is contended. Therefore, there does not appear to be a demonstrable need for the proposal to be located in the countryside and away from an established or allocated employment site.
10. In addition, the appellant's suggestion that the business could expand in the future and create job opportunities for local residents is in contrast to their position that they would accept a suitably worded condition restricting them to be the sole worker in order to address the third main issue below.
11. I conclude, the appeal site is not a suitable location for the development as it would conflict with the requirements of the development plan in respect of the location of employment uses. For this reason, it would also conflict with the Framework which confirms that the planning system should be genuinely plan-led.

Character and appearance

12. Shipdham Road is a single-track carriageway and is mainly bound by fields to either side. The appeal site's front boundary is bound by fencing. This contrasts with the general appearance of the roadside which is predominantly bound by mature planting or open boundaries. Even so, in views through the site access point and over the fence line, the open nature of the grassed field and the mature planting to the internal boundaries is appreciable. In these respects, the prevailing characteristics of the site are consistent with the overriding rurality of the countryside and its landscape at this location.
13. While substantial in size, the steel clad building would be similar in appearance to large agricultural buildings often seen within a rural landscape. However, its location away from any other farm buildings and operations, together with any associated activity on the substantial hard core access track and hard standing area would reveal its business use. The combination of these factors would appear at odds with the tranquil rural surroundings. In addition, the 1.2 metre high bunding to the perimeter of the workshop would introduce a landform which would not reflect the flat topography of the surrounding landscape.
14. While the planting to the front boundary has the potential to soften this part of the roadside, this would take a significant period to fully establish. Even then, the building and business activity would likely be appreciable though the site access point and through any gaps in surrounding vegetation. Consequently, the building and associated business activity would erode the intrinsic character and beauty of the countryside and the prevailing rural landscape on Shipdham Road.
15. I conclude, the development would have a harmful effect on the character and appearance of the area including its landscape. This compounds the locational conflict with the development plan and would also conflict with the character, context and landscape requirements of Policies GEN 02, COM 01 and ENV 05 of the LP. It would also conflict with the requirements in the Framework for development to be sympathetic to local character and landscape setting, and to recognise the intrinsic character and beauty of the countryside.

Highway safety

16. During the application process, the Highway Authority (HA) considered the likely levels of traffic that would be generated. The HA was concerned that due to the limited opportunities for vehicles to pass one another on Shipdham Road, there was the potential for this to have an unacceptable effect on vehicular movements.
17. However, the appellant has provided evidence that a new passing place could be provided on highway owned land on Shipdham Road, between the junction with Watton Road (A1075) and the appeal site entrance. The appellant has also confirmed that they would be willing to accept a condition which restricted use of the business to a sole worker. These are considerations which the HA confirmed would overcome their concerns. In the absence of any objective evidence to suggest otherwise, I find that these measures would make the proposal acceptable from a highway safety perspective.

18. I conclude, that subject to conditions, the development would not result in an unacceptable effect on highway safety. In that regard, it would comply with the highway safety requirements of Policies TR 01 (Sustainable Transport Network), TR 02 (Transport Requirements) and COM 01 (Design) of the LP and Paragraph 115 of the Framework.

Personal circumstances

19. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
20. The appellant has indicated that the workshop would provide a safe and secure environment to train a family member who has a protected characteristic. I have no reason to doubt that this would be the case and that in that regard the proposal would be beneficial to the family member concerned. This is a personal circumstance to which I afford weight in favour of the appeal.
21. I have given due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.
22. However, in weighing the personal circumstances in the balance, this has to be considered against the unacceptable effect that the development would have in terms of undermining the locational requirements of the development plan and in respect of the character and appearance of the area. In this regard, a refusal of planning permission is a proportionate and necessary approach to maintaining the integrity of the development plan and protecting the intrinsic character and beauty of the countryside. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant and their family member's human rights. Overall, the personal circumstances put forward in this instance do not outweigh the unacceptable effects of the proposal.
23. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the up-to-date development plan.

Conclusion

24. The development would conflict with the locational requirements of the development plan and those which seek to protect the character and appearance of the area. The other material considerations that have been advanced in this instance do not justify a decision other than in accordance with the development plan which, in terms of my conclusions under the main issues, the appeal scheme would clearly conflict.
25. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell INSPECTOR