



Appeal Decision

Site visit made on 25 March 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/X3540/W/23/3328302

Whitehouse Farm, Main Road, Pettistree, Suffolk IP13 0HW

- 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 Mr Kevin Melton against the decision of East Suffolk Council.
 - The application Ref is DC/23/1637/FUL.
 - The development proposed is the change of use of agricultural building to servicing, repair and MOT testing of motor vehicles with associated vehicle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural building to servicing, repair and MOT testing of motor vehicles with associated vehicle parking at Whitehouse Farm, Main Road, Pettistree, Suffolk IP13 0HW in accordance with the terms of the application, Ref DC/23/1637/FUL, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is whether the site is suitable for the proposed development, having regard to the development strategy.

Reasons

3. The appeal site forms part of a larger site comprising the yard and buildings of White House Farm. The site includes a large building, part of the hardstanding forming the yard and the access from Main Road. While close to the settlement of Pettistree, there is no dispute that the site is within the countryside, outside of the defined settlement boundary.
4. The proposal seeks to convert the existing building to use for the servicing repair and MOT testing of motor vehicles, which would take place within the building. Policies SCLP3.2 and SCLP3.3 of the Suffolk Coastal Local Plan (2020) (LP) set out the settlement hierarchy and define the settlement boundaries in the District. The policies restrict new employment development in the countryside except where specific policies indicate otherwise.
5. Table 3.4 provides a summary of the policy approach for the settlement hierarchy and identifies that the approach in the countryside is for the conversion and replacement of rural buildings for employment uses (Policy SCLP4.6). This is consistent with the approach within the National Planning Policy Framework, which requires decisions to enable the sustainable growth of all types of business in rural areas, including through the conversion of existing buildings. Policy SCLP4.2 supports the delivery of new employment development in suitably located areas and, in respect of B1, B2 and B8 uses

that there is a need for the development or that there is no sequentially preferable land. The Council notes that the proposal would be a sui generis use and while such proposals do not require the need to be demonstrated, the proposal would involve the relocation of an existing use.

6. Policy SCLP4.6 of the LP sets out the circumstances where the conversion of rural buildings to employment will be permitted. The circumstances include that the business is of a scale and character that is appropriate to its location in accordance with the settlement hierarchy and that the proposal would not conflict with neighbouring uses. The Council has not raised concerns in respect of the effect of the proposal on the living conditions of neighbouring residents and in relation to highway safety. On the evidence presented, I see no reason to disagree with this conclusion.
7. The wider site includes two larger buildings, which would remain in use for agricultural purposes. The building at the site and the proposed parking area would be positioned either side of the existing access, allowing vehicles and machinery to pass through the site. While the access would be shared between vehicles, there is no substantive evidence before me that indicates that proposal would give rise to conflict between vehicles using the access.
8. The proposal is small in scale and the appellant indicates that the business would provide employment for five employees. The site is located close to Pettistree, and is opposite commercial premises that includes a range of uses, including storage. Furthermore, the site is well-positioned on the approach to Wickham Market, identified as a Large Village in Policy SCLP3.2 of the LP. Consequently, the use would be of a scale and character appropriate to its location.
9. I conclude that the site is in a suitable location for employment development. The proposal therefore accords with Policies SCLP3.2 and SCLP4.6 of the LP, which seek to support economic opportunities through the conversion of existing rural buildings.

Other Matters

10. The Council consider that the proposal is acceptable in respect of foul drainage and the effect on the local highway network. In addition, the Council has not raised concern in respect of wildlife. I find no reason to take a different view.
11. The submitted Noise Impact Assessment (NIA) demonstrates that the proposal would not result in harm to the living conditions of occupants of neighbouring properties. The recommendations within the NIA could be secured by a condition.
12. The Council state that it has not been proven that the building is surplus to agricultural requirements and that the proposed use would not encourage agricultural growth. While the policies before me do not indicate that there is a requirement to demonstrate this, I note that the building is impractical for the effective storage of grain.
13. I note that concerns have been raised in respect car sales at the site and the effectiveness of enforcing breaches. The proposal before me does not include a vehicle retail element and I have determined the appeal on this basis. The investigation and enforcement of breaches of planning control are a matter for the Council to carry out.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
15. Conditions are included requiring details of the covered cycle parking and electric vehicle charging points and to ensure retention of the provision thereafter. This is required to encourage sustainable modes of transport and improve the sustainability of the development. These are pre-commencement conditions to ensure that the infrastructure is available prior to first use.
16. A condition is also included in respect of unexpected contamination in the interests of public safety. Adequate parking, as set out in the submitted drawings, would be secured by condition in the interests of highway safety.
17. In order to safeguard the living conditions of neighbouring residents the protect the local environment, conditions relating to the hours of operation and requiring the use to be carried out in accordance with recommendations within the submitted NIA have been included.

Conclusion

18. The proposal would accord with the development plan as a whole and there are no material considerations, which would indicate that a decision should be made otherwise. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Block Plan, BJG/08/03/23-1722, Existing Access Visibility Splay, Waste Oil Bunded Tank Details, Compressor Details.
- 3) Prior to commencement of the development, details of covered and secure cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter be retained and used for no other purpose for the lifetime of the development.
- 4) Prior to the commencement of the development, details of the electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter be retained for the lifetime of the development.
- 5) In the event that contamination which has not already been identified to the local planning authority is found or suspected on the site it must be reported in writing immediately to the local planning authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the local planning authority.

The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the local planning authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the local planning authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

- 6) The use shall not commence until the area(s) within the site shown on the Proposed Block Plan for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and shall thereafter be retained and used for no other purposes.
- 7) The development hereby permitted shall not operate outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1200 on Saturdays and shall

not operate at any time on Sundays or on Bank Holidays. All deliveries, drop-offs and collections at the premises shall be within the hours of operation.

- 8) The development shall be carried out in accordance with the details and recommendations within the Noise Impact Assessment. The design and installation of any new items of fixed plant shall be such that when operating the cumulative noise rating level shall not exceed 5dB below the typical background noise level (LA90, 1 hours) as measured at the façade of the nearest noise sensitive receptor. The measurement and assessment shall be carried out in accordance with the methodology contained within BS 4142:2014.

End of Schedule