



Appeal Decision

Site visit made on 14 May 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/F2605/W/23/3333597

Summer Lane Kennels, Summer Lane, Carbrooke, Norfolk IP25 6TR

- 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 B Adams against the decision of Breckland Council.
 - The application Ref is 3PL/2023/0754/F.
 - The development proposed is change of use of land from kennels to mixed use comprising leisure and vehicle repairs (non-commercial).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land from kennels to mixed use comprising leisure and vehicles repairs (non-commercial) at Summer Lane Kennels, Summer Lane, Carbrooke, Norfolk IP25 6TR in accordance with the terms of the application, Ref 3PL/2023/0754/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council has undertaken a single policy partial update of its Local Plan. Whilst there has been no change to policies relevant to this appeal, in my decision I have referred to the policies of the Breckland Local Plan 2023 (LP).
3. At time of my site visit, the workshop and portacabin were in situ and the change of use had occurred. However, the current layout differs from the submitted plans, namely the extent of the landscaped area and siting of other outbuildings. The development is therefore partly implemented. I have determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area; and
 - living conditions, in particular whether the development would encourage further activities and regular use.

Reasons

Character and appearance

5. The site is a rectangular plot formerly associated with the adjoining operational commercial kennels. Whilst the appeal site is now in separate ownership, the planning history confirms the existing use of the site as a commercial kennels.

6. The site is outside any settlement and is accessed from Summer Lane, a narrow rural road with no pedestrian footway or lighting, flanked by grass verges and hedgerows. Open agricultural land lies to the north, east, and beyond Summer Lane to the west. The site is therefore within a rural, countryside location.
7. The site shares its access to the highway with the kennels. Mature trees and hedges along the boundaries of the appeal site and adjoining kennels distinguish these sites from surrounding agricultural land and the quarry to the south. Whilst a low wire fence with short timber posts demarcates the boundary between the appeal site and kennels, there remains a strong visual connection between the two sites.
8. The site is generally screened from view from public vantage points by boundary vegetation. However, there are views into the site from Summer Lane via the open vehicular access. Views into the site are therefore experienced by passing drivers and thus localised.
9. A paddock is situated toward the front of the site, which the block plan indicates would be extended forward to the existing boundary hedgerow and rearwards to the workshop. The majority of the site area would therefore comprise a landscaped area with trees, which would contribute a green, undeveloped appearance to the foreground of views from the highway and help assimilate the proposal into the surrounding landscape.
10. The workshop is a single storey building with a pitched roof, clad with horizontal timber. The portacabin is of a standard size and painted grey. The workshop and portacabin are simple in form and modest in scale, and are set back behind the landscaped area, and therefore distant from the highway.
11. From the public vantage point of the site access, the workshop and portacabin are visible within the context of the buildings associated with the kennels, which includes a cluster of outbuildings, caravans, containers, and dog run enclosures, grouped around a dwelling. The form and layout of the buildings would not appear out of keeping with the arrangement of the kennels site.
12. The Council asserts the proliferation of various structures across the site has materially changed the site in the context of the wider landscape. However, I have been provided no evidence of the appearance of the site as it existed prior to its change of ownership. The site's appearance would be akin to an agricultural smallholding and would not represent a domestication of the site.
13. Since the existing lawful use of the site is a commercial kennels, and the site is distinguished from surrounding agricultural land by its strong boundaries, the development would not result in a loss of agricultural land nor encroachment into the open countryside.
14. For these reasons, the proposal would maintain the character and beauty of the countryside and would not have a detrimental impact on the character and appearance of the area.
15. The proposal would therefore comply with LP Policies COM01, GEN02, and ENV05, which together require proposals integrate to a high degree of compatibility, respect and be sensitive to the character of the surrounding area and protect the rural character of the landscape.

16. In addition, the proposal would satisfy paragraph 180 of the National Planning Policy Framework (the Framework) which recognises the intrinsic character and beauty of the countryside.

Living conditions

17. The proposal seeks the use of the site as amenity land for the enjoyment of the appellant and their family. The Council asserts that personal leisure use would encourage further activities which would be difficult to monitor or control. However, the buildings are modest in scale and the site provides no overnight accommodation. Therefore, there appears little to incentivise further activities or attract large number of visitors to the site. Were unauthorised activities and uses to take place on the site, this would be at risk of enforcement action were planning permission not first obtained.
18. The appellant uses the site for vehicle repairs on a non-commercial basis. The appellant does not own heavy machinery of a type found in a commercial vehicle repair business, and the Council's Environmental Health team raised no objection to the proposal. Therefore, there is no evidence to suggest the scheme would generate unacceptable noise. Commercial activities on the site can be prevented through a planning condition.
19. Since the site is available only to the appellant and their family, the intensity of the use of the site appears low. Nearby uses include the kennels and quarry which also generate activity. Within this context, there is no evidence to suggest that regular use of the site at the proposed intensity would lead to disturbance. Furthermore, there is no evidence to suggest the proposed use would generate significant additional traffic volumes, and the local highways authority did not object to the proposal.
20. The circumstances of the site are unique insofar as the site has been severed from the adjoining kennels site as a result of a land sale. Such circumstances are unlikely to exist elsewhere. Therefore, the proposal would not set a precedent for harmful development in countryside locations.
21. There is no evidence to suggest the development would encourage further activities that could cause unacceptable amenity impacts or allow for regular use which would compromise existing amenity provisions. Therefore, I consider the proposal would not result in unacceptable impacts on living conditions. The proposal would therefore comply with LP Policies COM03 and ENV05 which require proposals give consideration to general amenity issues, and not result in unacceptable change to landscape character.

Other Matters

22. The site is served by an existing access and, since the site is used by the applicant as personal amenity space only, the proposal is not expected to generate a significant increase in traffic.

Conditions

23. The Council has provided a list of conditions which I have considered against the Framework's tests. In the interests of certainty, I have attached a condition specifying the approved plans.

24. To deliver a net gain in biodiversity in accordance with LP Policy ENV02, I have attached a condition requiring the approval and implementation of mitigation and enhancement measures that reflect the recommendations of the Preliminary Ecological Appraisal. In the interests of highway safety, as required by LP Policies TR01 and TR02, I have attached a condition requiring the creation and maintenance of visibility splays.
25. Since the development has commenced, I have not included a time limit for implementation. I have not attached the condition requiring the proposal be constructed in accordance with the materials specified in the application, since the buildings have already been constructed as indicated on the plans. I have not attached the suggested condition restricting variations, since this is duplicative of the condition which specifies the approved plans.
26. In addition, the proposed landscaping seeks to enhance the current landscaped areas and further screen the existing buildings to preserve the visual identity of the area. In the interests of maintaining the character and appearance of the area, I have attached conditions requiring the submission of landscaping details and the maintenance of such landscaping for a period of five years.
27. To ensure vehicle repair activities remain of a domestic, informal nature, I have attached a condition restricting the operation of commercial activities.

Conclusion

28. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 22389 01 Rev A *Location Plan*; 22389 02 Rev C *Block Plan, Floor Plan & Elevations*; 22389 03 Rev B *Visibility Splay Appraisal (North)*.
- 2) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Riverdale Ecology, July 2023).
- 3) Within 3 months of the date of the approval of the development hereby permitted, a Biodiversity Enhancement Layout providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Riverdale Ecology, July 2023) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.
- 4) Within 3 months of the date of the approval of the development hereby permitted a 2.4-metre-wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 5) Within 3 months of the date of the approval of the development hereby permitted, a scheme of landscaping shall be submitted to the local planning authority for its written approval. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No commercial activities shall take place on the land, including the storage of materials.

END OF SCHEDULE