



Appeal Decision

Site visit made on 4 June 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal Ref: APP/E3715/W/23/3330858

57 Moat Farm Drive, Hillmorton, Rugby, Warwickshire CV21 4HQ

- 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 T Webb on behalf of Tacit Golf against the decision of Rugby Borough Council.
 - The application Ref is R23/0499.
 - The development proposed is erection of an additional storage building for business.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an additional storage building for business at 57 Moat Farm Drive, Hillmorton, Rugby, Warwickshire CV21 4HQ in accordance with the terms of the application, Ref R23/0499, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr T Webb against the decision of Rugby Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this appeal are:
 - whether the development is in a suitable location, having particular regard to the local development strategy; and
 - the effect of the development on the character and appearance of the area.

Reasons

Whether a suitable location

4. The appellant's business is a manufacturer of sporting equipment. Its main office building is sited next to a modern housing estate with direct access from Moat Farm Drive and therefore adjoins the built area of the town.
5. The business also operates from an industrial storage unit located southwest of the office building and east of Barby Lane. Whilst separated by agricultural land, an access track provides a direct route between the office and storage building. The proposed building would be sited next to the existing storage unit, and therefore would be outside the built area of any settlement.
6. Policy GP2 of the Rugby Borough Council Local Plan 2019 (LP) identifies Rugby town as the main focus for development, with new development directed to areas within its boundaries and allocated Sustainable Urban Extensions. The

- site is within the countryside where Policy GP2 resists new development, except where national policy indicates development should be permitted.
7. Paragraph 88(a) of the National Planning Policy Framework (the Framework) supports the sustainable growth and expansion of all types of business in rural areas. Paragraph 89 states decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. In addition, LP Policy ED3 permits employment development in certain circumstances including the sustainable expansion of an existing group of buildings for business uses where the site is readily and regularly accessible by means of transport other than the private car.
 8. The business intends to relocate staff from further afield to its Rugby complex to ensure the efficient running of its operations and to expand its manufacturing processes. At present, staff relocation is constrained as the existing buildings are used for the storage of products prior to distribution. The proposed building would provide additional product storage and thus would enable the growth and expansion of an existing business.
 9. Whilst the existing office and storage buildings are set apart from one another, there is a clear physical and functional relationship between the buildings. I am satisfied the proposal would represent the expansion of an existing group of buildings for business use.
 10. Use of the secondary access to Barby Lane by business traffic is restricted by a planning condition from a previous planning approval. The appeal site would be accessed via the business's established main access to the public highway at Moat Farm Drive, which is served by pedestrian footways and streetlighting and is within a modest walking distance of bus stops. Therefore, the site is readily and regularly accessible by means of transport other than the private car.
 11. LP Policy ED1 concerns the protection and development of Rugby's employment land. Since the appeal site is not employment land, Policy ED1 is of limited relevance to the proposal. I have been provided no evidence to suggest the proposal would affect existing employment land and therefore its effects within the context of Policy ED1 would be neutral.
 12. As set out above, the proposal would enable the growth and expansion of an existing business and would be accessible by means of transport other than the private car. Therefore, having regard to the local development strategy, I consider the proposal would be in a suitable location.
 13. The proposal would comply with LP Policy GP2, which permits development in the countryside where national planning policy indicates development should be permitted. I have had particular regard to the provisions of paragraphs 88 and 89 of the Framework which support the expansion of all types of businesses in rural areas. In addition, the proposal would comply with LP Policy ED3 which supports the expansion of an existing group of buildings for business uses accessible by sustainable modes of transport.

Character and appearance

14. The appeal site comprises an area of hardstanding and mown grass next to the existing storage building. The gravelled access track widens at the front of the building to form a large area of hardstanding. The existing building is constructed from breezeblock with a juniper green cladding to the top half and

- a large window at mezzanine level and a double height roller shutter door, and therefore is similar in scale and appearance to a modern barn.
15. A dense tree belt encloses the site to the south. However, fencing and vegetation at field boundaries to the north of the site generally allow views to agricultural land. The area therefore has an open, rural character.
 16. Surrounding fields have a defined structure with boundary treatments comprised of fencing, trees, and hedges. The appeal site is uncultivated land that is physically and visually separate from surrounding fields. There would be no change to established boundaries and therefore the siting of the proposed building would not encroach into the surrounding rural landscape.
 17. The appeal site is within an area of plateau fringe landscape which occurs in one of two belts either side of the main Dunsmore Plateau, and the Landscape Assessment of the Borough of Rugby 2006 indicates this zone has high sensitivity. The site is located on the western side of parcel 14a as identified within the Rainsbrook Valley Landscape Sensitivity Study 2017 and is categorised as 'highly sensitive'. The landscape sensitivity study identifies characteristic features of this landscape, including glimpsed views of fields of pasture from Barby Lane and of the settlement edge.
 18. The proposed building would be of broadly identical design to the storage building, and therefore be in keeping with the appearance of the adjacent building. The proposed building would utilise the same access, would have the same footprint, and would be sited parallel to the existing storage building. The proposed building would therefore appear well-related to the existing storage building. Planning permission has also been granted for an agricultural building to the west of the existing storage building. Whilst the proposal would result in additional built form, it would have the appearance of a cluster of agricultural buildings and would not appear incongruous with the rural landscape.
 19. The appeal site is set back a considerable distance from Barby Lane, which is a rural road with no pedestrian footway, cycle infrastructure, or streetlighting, and has a national speed limit. Views toward the appeal site from Barby Lane are generally obscured by mature trees and hedgerows at the highway edge. A gated access provides a break in the hedgerow and therefore views toward the site from the public highway would normally be experienced as fleeting glimpses from fast moving vehicles.
 20. The access track is relatively narrow and is flanked by trees on either side, resulting in the existing storage building being only partly visible from the highway. From the vantage point of the access to Barby Lane, the proposed building would be behind the existing storage building and beyond existing mature vegetation. From Barby Lane, the proposed building would be distant and generally screened from view, and therefore would be of limited visual prominence in the landscape.
 21. There are no nearby public rights of way. The topography rises to the north and the proposed building would be set down in the landscape and generally obscured from view from other publicly accessible vantage points, such as Rugby's built area.
 22. As set out above, the proposed building would not encroach into cultivated land, its design would reflect its rural context, and it would not be visually

prominent within the rural landscape, even when the cumulative effects of nearby built form are considered. Whilst acknowledging the site is within a highly sensitive landscape, the proposed building would not erode features pertinent to the landscape's character such as glimpsed views of fields and pasture and of the settlement edge. Therefore, the proposal would have a neutral effect upon the landscape character of the Rainsbrook Valley. For these reasons, the proposed development would not harm the character and appearance of the area.

23. The proposed development would therefore comply with LP Policy N3, which requires development proposals consider its landscape context, relate well to local topography and built form, and conserve important landscape features.

Other Matters

24. Some respondents expressed uncertainty regarding the use of the proposed building. The development description is clear the building is for storage use.
25. Concerns were raised that sufficient evidence has not been provided to justify a need for the building, and that other buildings are available within the appellant's ownership. As set out above, I am content the development would enable the expansion of an existing business.
26. The inclusion of the staff kitchen, bathroom, store, and external staircase do not appear atypical for a commercial building, and I have no reason to suspect the building would be used as living accommodation. Concerns were also raised that barns in the appellant's ownership may be converted to housing. Any such change of use would be subject to the requirements of the planning system.
27. I note the comments regarding the intensity of surrounding agricultural uses and the scale of development granted permission for business uses on land outside the appeal site boundary but within appellant's ownership. I have assessed the proposal against the requirements of the development plan and taken into account the characteristics of its surroundings.

Conditions

28. The Council has suggested conditions which I have considered against the provisions of the Framework. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans.
29. To ensure the proposal is of satisfactory appearance and maintains the character of the area, I have attached conditions which require external materials match those specified on the submitted plans, and that details of floor levels and the siting and design of bin and cycle stores are provided. In addition, to conserve the rural character of the area, it is necessary to include a condition requiring submission and written approval of details of any external lighting. I note the nearby football club facility includes floodlighting. However, the purpose of the condition is not to prevent use of external lighting but to enable its effects to be properly considered.
30. To protect the environment, I have attached a condition specifying actions to be taken in the event contaminated land is discovered during construction. In the interest of highway safety, I have attached a condition requiring vehicles utilise the existing access at Moat Farm Drive.

31. In the interests of public safety and the protection of fire fighters, I have attached a condition requiring submission of the provision of adequate water supplies and fire hydrants necessary for firefighting purposes. The appellant indicates the proposed building would be served by the existing water supply. However, I have insufficient certainty that the existing supply and hydrants are suitably located, and therefore consider the condition to be necessary.
32. To prevent harm to protected species and deliver a net gain in biodiversity, I have attached conditions requiring submission of a schedule of habitats and species enhancement measures, including to great crested-newt mitigation measures, and a landscape and ecological management plan. The Framework requires development protect priority species and provide a net gain in biodiversity, and therefore I am satisfied the conditions are necessary.
33. To maintain the living conditions of neighbours, I have attached a condition to specify the time periods when deliveries or collections may take place.

Conclusion

34. 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 begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos *Proposed Plans & Elevations* 20 31 03; *Proposed Elevations* 20 31 04; *Site Plan* 20 31 05A; *Site Plan* [with proposed building] 20 31 05A.
- 3) The facing materials to be used on the external walls and roof shall be as specified on the application form and approved plans.
- 4) No above ground works shall commence in any phase unless and until full details of finished floor levels of all buildings and ground levels have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.
- 5) Prior to occupation of the unit hereby approved, full details of the siting, design and materials of associated bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 7) No external lighting shall be erected on the building hereby approved unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.
- 8) All vehicles in association with the building hereby permitted shall only enter or leave the site via the existing access off Moat Farm Drive.
- 9) The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority.
- 10) The development hereby permitted shall not commence until a detailed schedule of habitats and species enhancement measures (to include timing of works, protection measures for the river, birds and mammals and enhancements where possible) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full.

- 11) The development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring, and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.
- 12) Unless otherwise agreed in writing by the Local Planning Authority, all vehicles in association with the unit hereby approved shall make no deliveries or collections outside of the normal working hours 08:00 am to 18:00 pm.
- 13) The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of plant species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

END OF SCHEDULE