



Appeal Decision

Site visit made on 24 July 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/X3540/W/23/3329747

Land at 1 Charity Cottage, Swiland Road, Otley IP6 9NE

- 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 and Mrs S Clarke against the decision of East Suffolk Council.
 - The application Ref is DC/23/2711/FUL.
 - The development proposed is described as the “retention of use of land for the stationing of shipping containers for storage use. Retention of track.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement. While these proposed changes can only be given limited weight at this stage, the appeal scheme does not propose the provision of housing and those parts of the Framework most relevant to the appeal are not proposed to be amended.
3. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party’s interests would be prejudiced by my taking this approach. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the revised version.
4. I have not included the full description of development from the planning application form in the banner header above as it makes reference to the proposal being a resubmission, which is not an act of development.
5. While a Neighbourhood Plan for Otley is being prepared, and the neighbourhood area has been designated, there is no indication as to when the Plan may be subject to formal consultation. Consequently, in accordance with paragraph 48 of the Framework, I give it limited weight.
6. At the time of my visit the shipping containers were in situ and the access track had been constructed. Therefore, I have considered this appeal retrospectively.

7. The site has been subject to a recently dismissed appeal¹, which also sought permission for the retention of use of land for the stationing of shipping containers for storage use and retention of an access track (the previous appeal). This is a material consideration in the determination of this appeal.

Main Issue

8. The main issue is whether the appeal site is a suitable location for employment development.

Reasons

9. The appeal scheme comprises the siting of 10 shipping containers, together with an access track. The appeal site is located close to the appellants' dwelling. The shipping containers are used for the storage of machinery and materials associated with the appellants' business, which manufactures garden rooms and other timber framed structures. Therefore, the development falls within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987, as amended.
10. The appeal site lies within the countryside. Policy SCLP3.3 of the East Suffolk Council - Suffolk Coastal Local Plan Adopted 2020 (LP) states, among other things, that new employment development will not be permitted in the countryside except where specific policies in the LP or Neighbourhood Plan indicate otherwise. Having regard to this, the LP does not, in principle, prevent employment development in the countryside.
11. Policy SCLP4.5 of the LP relates to economic development in rural areas and states that proposals will be supported provided they comply with a closed list of requirements from a) to e). Criterion b) requires the scale of the enterprise to accord with the Settlement Hierarchy. The Settlement Hierarchy is detailed in LP Policy SCLP3.2, with Table 3.4 summarising the type and scale of development that is supported within the different categories of the hierarchy. For employment development in the countryside, this includes "new employment uses where need is demonstrated (Policy SCLP4.2)". The other types of development specified within Table 3.4 are not directly relevant to the appeal proposal.
12. LP Policy SCLP4.2 seeks to only permit new employment development falling within use classes B1, B2 and B8 on land outside of settlement boundaries where a need for additional employment development has been demonstrated or it can be demonstrated that there is no sequentially preferable land available adjacent to existing Employment Areas, within existing Employment Areas or within Settlement Boundaries and, a) it would not have an unacceptable adverse impact on surrounding land use; and, b) it avoids, or adequately mitigates, any adverse impact on the character of the surrounding area.
13. The pre-text to this policy provides guidance on the evidence that should be submitted to support such proposals including, but not limited to, economic forecasts, the specific locational requirements of the development and a review of available land and premises.
14. Paragraph 85 of the Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account

¹ Planning appeal reference APP/X3540/W/22/3309436

both local business needs and wider opportunities for development. While paragraph 89 of the Framework states that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

15. Having regard to the requirements outlined, the information before me does not include such evidence. Therefore, it has not been robustly demonstrated that there is an identified need for the appeal scheme in this location, nor has it been adequately demonstrated that there are no sequentially preferable sites available, before consideration is given to development within the countryside.
16. To address the Inspector's comments in the previous appeal, the appellants have provided further information in respect of the business, which has a large catchment area. They assert a number of benefits in respect of the location of the appeal site and its proximity to the appellants property, including convenience and a reduction in vehicular movements, emissions and travel time, as the appellants can travel straight from their premises to clients' sites.
17. However, the appellants Planning Statement indicates that the business also employs five to six contractors, but no further information has been provided in respect of their movements, if any, to and from the appeal site. The appellant also highlights that they are seeking to expand and employ carpenters locally from Suffolk Rural College opposite the appeal site, although no further details, including the expected timings of employment or numbers to be employed, have been provided.
18. In the absence of information to the contrary, it is not possible to ascertain if the appeal site is in the most suitable location, or whether an alternative location would significantly increase vehicular movements and emissions. Therefore, these benefits carry limited weight in the planning balance, which do not outweigh the conflict identified with the development plan.
19. For the above reasons, I conclude that the appeal site is not in a suitable location for employment development. It conflicts with LP Policies SCLP3.2, SCLP3.3, SCLP4.2 and SCLP4.5. Collectively these seek, among other things, to control the spatial distribution of development across the plan area, direct development towards the settlement boundaries, avoid the loss of further undeveloped land in the countryside, and control the sprawl of existing settlements.

Other Matters

20. The appeal site lies close to Suffolk New College, referred to as Otley College in the appellants appeal statement and Suffolk Rural College in the appellants Planning Statement. While the college is a larger site and the buildings are prominent within the surrounding area, the use of the site differs to what is proposed by the appeal scheme and, as such, it is not directly comparable to the appeal proposal. In any case, I have considered the appeal on its own merits.
21. The appellant has highlighted that the containers are not readily visible in the landscape and highlight the Council have not raised harm in respect of character and appearance. While this is noted, the development does not comply with paragraph 88(a) of the Framework as, even if a shipping container

could be considered a 'building', as functional boxes, they are not well designed.

Conclusion

22. For the reasons given, the proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Consequently, I conclude the appeal should be dismissed.

S Pearce

INSPECTOR