



Appeal Decision

Site visit made on 6 August 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/W3005/W/24/3344394

**Unit F4, Field Industrial Estate, Lowmoor Road, Kirkby-in-Ashfield
NG17 7LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Isaac Fuller (County Batteries) against the decision of Ashfield District Council.
 - The application Ref V/2022/0401, dated 16 May 2022, was refused by notice dated 6 December 2023.
 - The development proposed is erection of industrial unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: -
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on highway safety.

Reasons

3. The appeal site lies adjacent existing premises for the company, on the edge of a small industrial estate. The appeal site is situated on a corner location, close to a junction, and the overall position of local roads at the time of my site visit appeared to be that of well trafficked highways. The locality has an eclectic mix of residential and commercial uses, and I understand the location is one of the main roads into Kirkby-in-Ashfield. There is a mobile catering unit located on the existing site, which is to be relocated.

Character and appearance

4. The building would be constructed of metal cladding, of a relatively standard industrial design. I understand that there is a previous approval which was never constructed, due to issues arising with a Severn Trent sewer being located on the site and the respective easement requirements preventing the construction as approved.
5. This revised scheme has relocated the building to avoid conflict with the sewer and easements but has meant relocating the building considerably closer to the highway, evidence demonstrating that it will be approximately 1.2m from the highway edge at the north and east of the site. The appellant has suggested providing landscaping in this gap.

6. I am not convinced, that given the narrow gap, any meaningful landscaping could be established to create anything other than minor mitigation for the structure and its proximity to the highway.
7. Given the size of the building proposed, the proximity of the building to the boundaries and the industrial nature of the design, I find that the building would dominate the wider street scene to the detriment of the character and appearance of the area.
8. As such, I find conflict with saved policy ST1 of the Ashfield Local Plan Review (2002) (the ALPR) which, amongst other matters, expects development not to adversely affect the character, quality amenity or safety of the environment. I also find conflict with the design advice set out in the National Planning Policy Framework (the Framework)

Highway Safety

9. The appellant states he has obtained permission for, and constructed a new unit on another site in another district, and that he still but wishes to obtain permission for this unit, utilise it as storage and additional workspace for the existing unit and that this alters the need for additional parking, which formulates this reason for refusal.
10. However, this has not been consulted upon. It is not for an appeal to progress a scheme, which should be done in the application arena. As such I must determine the appeal on the basis of the scheme as submitted – not modified.
11. With regard to this aspect of the scheme, there is some confusion with regard to a second set of comments from the Highways consultee that appear not to have been made available for viewing by the appellant, which the Council have apologised and made available to the parties and myself.
12. Following this, the appellant has queried the number of spaces required, and how the calculation has been reached, based upon the size of the building, and the previous approval which was not subject to objection from Highways.
13. Having looked at the calculations, and the provision of additional spaces for the new unit, I consider that the additional spaces are sufficient to address the needs of the business in terms of employees and visitors, and there is sufficient on-street parking in the vicinity to not cause material harm to highway safety should it be called upon to be used.
14. As a result, I do not find conflict with saved policy ST1 of the ALPR as it relates to the adverse effects on highway safety, nor the highways guidance as set out in the Framework.
15. Nevertheless, whilst I may not find material harm on this issue, I have still found material harm to the character and appearance of the locality from the building itself, and as such the appeal cannot be viewed in a positive light.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should not succeed.

Paul Cooper

INSPECTOR