



Appeal Decision

Hearing held on 13 August 2024

Site visit made on 13 August 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2024

Appeal Ref: APP/E2530/W/24/3342782

Land south of Tinwell Road, Stamford PE9 2JL

- 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 Osprey Charging Network Limited against the decision of South Kesteven District Council.
 - The application Ref is S23/1671.
 - The development proposed is a 16 bay electric vehicle charging station with ancillary provisions and associated infrastructure works.
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Decision

1. The appeal is allowed and planning permission is granted for a 16 bay electric vehicle charging station with ancillary provisions and associated infrastructure works at land south of Tinwell Road, Stamford PE9 2JL in accordance with the application, Ref S23/1671, subject to the conditions set out in the attached Schedule.

Applications for costs

2. An application for costs was made by Osprey Charging Network Limited against South Kesteven District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The main parties agreed during the Hearing that the appeal site was not within the setting of the designated Conservation Area (CA) in Stamford. Due to the distance from its boundary, as referred to during the Hearing, I have no reason to disagree.

Main Issues

4. The main issues are:
 - Whether the site is a suitable location for the proposed development having regard to local and national policy;
 - The effects of the proposal on the character and appearance of the area; and

- Whether the development would accord with local and national policy with particular regard to crime and the fear of crime.

Reasons

Suitable location

5. It is agreed that the appeal site is not within a settlement as identified in Policy SP2 of the South Kesteven District Council Local Plan (LP). There is, however, disagreement between the main parties as to whether the appeal site is on the edge of Stamford and, as such, whether LP Policy SP4 is relevant to the determination of the appeal.
6. Stamford does not have a defined limit, but the continuous line of dwellings on the north side of Tinwell Road does provide a visual boundary to the settlement in this general location. Whilst the appeal site is on the south side, on agricultural land that is markedly different in its character, its proximity to the built-up frontage of Tinwell Road is such that it can reasonably be regarded as being in an edge of settlement location. Consequently, I find that Policy SP4 is relevant to the determination of the appeal.
7. Policy SP4 supports development on the edge of a settlement provided that essential criteria a) to f) are met. Criterion a) is not met as it requires that clear evidence of substantial support from the local community is demonstrated, and most comments that have been received raise objections to the proposal.
8. Criterion b) requires the proposal to be well designed and appropriate in size/scale, layout and character to the setting and area. In addition, to meet criterion d), proposals must not extend obtrusively into the open countryside and must be appropriate to the landscape, environmental and heritage characteristics of the area. These criteria are addressed under the second main issue.
9. I have found that the site is adjacent to the existing pattern of development for the area. Thus, criterion c) is satisfied.
10. Criterion e) is not relevant as housing development is not proposed. Criterion f) requires that the proposal must enable the delivery of essential infrastructure to support growth proposals, which I will return to, below.
11. LP Policy SP5 relates to the open countryside where it states that development will be limited to that which has an essential need to be located outside of the existing built form of a settlement. This is consistent with criterion f) of Policy SP4. There is nothing within the wording of Policies SP4 and SP5, or the evidence before me, which suggests that development outside of a settlement cannot be both on its edge and in the open countryside. I therefore consider that Policy SP5 is also relevant to the determination of the appeal.
12. Although the types of development that are listed within Policy SP5 includes ones that need an open countryside location, the policy is not worded to specifically resist other types that by their nature could be situated in an urban context. Furthermore, I have not been presented with a compelling argument that any support for the proposed development from Policy SP5 is reliant upon there being an identified essential need that relates solely to Stamford.

Accordingly, if an essential need for the proposal is demonstrated it would accord with Policy SP5.

13. In March 2024, 22.9% of all new cars were either fully electric or plug-in hybrid, and 2,906 electric vans were registered adding to the 57,000 that were in the United Kingdom in February 2024. Given that the Government has legislated to prevent the sale of new petrol and diesel vehicles from 2035 and is actively encouraging the uptake of electric vehicles, it is likely that the proportion of electric vehicles will increase.
14. There are existing electric vehicle charging points along the A1, including at Gonerby Moor and Peterborough Services. Additionally, more charging points have been permitted at Abbotts Wood and Colsterworth Service Stations and there are proposals to increase the number within Stamford. Nonetheless, even if all the additional provision presented to me is realised, I consider that the number of charging points within a short drive time of the appeal site, in particular rapid chargers, would still be relatively limited. This is supported by the Zap-Map evidence before me that there is only one rapid charging site for every 27,500 people within the district and only 7.6% have easy access to any kind of charging sites.
15. It has been suggested by the Council and interested parties that any additional electric vehicle charging provision within Stamford should be located on an allocated employment site and the Shell petrol filling station. The appellant has, nevertheless, provided robust and convincing justification as to the reasons why such locations are unsuitable, and no other possible sites within Stamford have been put forward. Therefore, based on the evidence before me, at this time the appeal site is the only suitable location for additional rapid charging infrastructure in this area.
16. For the reasons above, I am satisfied that there is no land, other than the appeal site, that is locally available and suitable for additional electric charging provision. Nonetheless, if the proposal is to be supported by the relevant policy, any identified need must be 'essential'. There is, however, little before me, such as the analysis of local demand or evidence that policy requirements relating to the level and distribution of charging points in Stamford are not being met, that suggests that anything other than a general need exists. Consequently, the proposal does not meet criterion f) of Policy SP4 and conflicts with Policy SP5.
17. Accordingly, due to the identified conflict with criteria a) and f) of LP Policy SP4 and LP Policy SP5, the site is not a suitable location for the proposed development.
18. LP Policies EN1 and DE1 and Policy 9 of the Stamford Neighbourhood Plan (NP) have also been referenced in the reason for refusal. However, as these policies relate to design quality, and landscape character and views, they are considered under the next main issue.

Character and appearance

19. The appeal site is on the south side of Tinwell Road, within a largely open, agricultural landscape. The proposal would take up a very small proportion of an existing field and as a large expanse of countryside would continue to surround it, the open agricultural landscape would be maintained.

20. Policy 9 of the Stamford Neighbourhood Plan (NP) identifies several Locally Important Landscape Views (LILV). This includes LILV1, which scans south towards the River Welland and Kettering Road, and east to the church towers and spires within the historic core of Stamford.
21. The existing dense and mature roadside hedge planting significantly restricts any such views from Tinwell Road. The hedge is outside of the appeal site, and its retention could not, therefore, be secured through a condition. Nonetheless, it appears to be in good health and there is nothing before me that suggests that it will not be retained in the long term. Consequently, even in winter, the intervening network of dense hedge and tree branches would ensure that the proposal, which are of a modest scale and height, would not be prominent in views from Tinwell Road. Furthermore, due to the position of the site on its west side, the proposal would not intervene in the expansive open vistas from South View towards the River Welland and the historic core of Stamford.
22. Accordingly, I find that the proposal would not materially harm the significance of LILV1.
23. When ascending from the lower level of the river towards Tinwell Road, the proposal would be largely obscured by the hedge that borders the west side of South View. As such, any views of the site would be limited and primarily restricted to the site entrance. Furthermore, the proposed landscaping around the periphery of the site would soften its appearance. These factors would assist in the assimilation of the proposal into its surroundings and ensure that the development would not become an unduly urbanising feature within the countryside. In addition, for the same reasons, the enjoyment of the users of the adjoining permissive footpath would not be materially diminished.
24. The proposed landscaping could be secured by a condition; however, it could not require it to be kept in perpetuity. Even so, it is in the Appellant's interest to retain the landscaping to make sure the appearance of the charging station is maintained, and customers return. Additionally, the inclusion in the wording of the condition of the standard maintenance period clause greatly increases the likelihood that the required planting would mature and establish.
25. The site is close to the urban area of Stamford, and Tinwell Road has street lighting along both sides. In the context of such existing light sources, and taking into consideration the proposed and existing planting, I am of the view that the impacts of lighting would be minimal and would be largely local in effect. I am therefore satisfied that a suitable lighting specification could be secured that would be appropriate to the rural location of the site, whilst not compromising the safety of the users of the proposed facilities.
26. The small scale and simple, utilitarian design of the proposed toilet building, together with its distance from South View and the lack of prominence of the site within its surroundings, would ensure that with appropriate facing materials it would not be an incongruous feature in the landscape. In addition, the proposed introduction of speed cushions and the widening of a relatively short section of the already kerbed and surfaced South View, would not be harmful to the users of the permissive footpath or the appearance of the wider landscape.
27. Any views of the proposed development whilst travelling along the A1, and the A43 Stamford Road/A1175 Kettering Road would be distant and fleeting. The

proposal would not, therefore, materially affect how Stamford is perceived by those using such roads and would not undermine its national and local importance.

28. The additional number of trips generated by the proposal would represent a very small increase to the existing movements along Tinwell Road and would not materially change its character. Furthermore, I have not been presented with any robust evidence that would suggest that any additional queueing at the junction of South View and Tinwell Road, or the effect of vehicle headlights, would be harmful to the character and appearance of the area.
29. Overall, for the reasons set out above, the proposal would be of an appropriate size, scale, layout and character in this location, would not extend obtrusively into the open countryside. Accordingly, it would meet criteria b) and d) of Policy SP4.
30. Thus, I conclude that the proposed development would not harm the character and appearance of the area. It would therefore accord with LP Policies SP4, EN1 and DE1, and NP Policy 9, which seek to promote good quality design, the conservation of the landscape quality, and protect locally important views. It would also accord with the similar aims of the National Planning Policy Framework (the Framework) as set out in paragraph 180 (formerly 174). As LP Policy SP5 does not relate to character and appearance it is not relevant to this main issue and weighs neither for, nor against, the appeal in respect of this main issue.

Crime and fear of crime

31. The Designing Out Crime Officer (DOCO) has referred to the isolated location of the site, which I have taken to mean its distance from the dwellings on Tinwell Road and an absence of passive surveillance. Due to this, the DOCO considers that the site may become attractive as a meeting place and an enabler of anti-social behaviour, and lead to a local perception and fear of crime. In recognition of this, private security patrols are recommended as well as a monitored closed-circuit television (CCTV) system. As the DOCO has not specifically stated otherwise, it is reasonable to consider that the objections would be overcome if the recommended security measures were put in place.
32. The Appellant has indicated that a CCTV system would be employed on this site, and are used on its other sites, and has stated a preparedness to operate security patrols as recommended by the DOCO. In addition, an Automatic Number Plate Recognition system would be operated. Such security features would act as a deterrent to anti-social behaviour, as would a well-kept site through the regular removal of litter and the maintenance of planted areas.
33. No evidence that other unmanned, rural charging stations in the wider area have become a focus of criminal or anti-social behaviour. Therefore, although the Council suggested at the Hearing that the A1 has been used in connection with drug dealing and people trafficking, there is no compelling evidence that the site would be particularly attractive to those carrying out such criminal activity.
34. Concern has been expressed that those travelling alone, in particular women, would be at risk when using the charging station at night. However, as stated by the Appellant, there would be readily available information to make an

informed decision as to which charging station to use, including how busy the station is. Even if the proposal was the only option, charging could be carried out whilst the driver was safely locked in the vehicle.

35. I am satisfied that the security measures referred to above would provide adequate deterrents to anti-social and criminal activity, including within the toilet building. Whilst I acknowledge the concerns expressed, in the absence of firm evidence that the appeal scheme would materially increase the risk, or fear, of crime, I do not find that the proposal would have a detrimental impact on the living conditions of local residents.
36. As such, the proposal would accord with LP Policy DE1 which requires development to have regard to features that minimise crime and the fear of crime. In addition, it would not undermine the quality of life or community cohesion as required by paragraph 135 of the Framework.

Other Matters

37. I have had regard to the other matters raised by interested parties, including highway safety, noise and pollution, impact of lighting and vehicle headlights on living conditions of nearby residents, and impact on wildlife and biodiversity. However, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters and determine that material harm sufficient to justify dismissing this appeal would arise from the proposal.
38. Whilst many electric vehicle charging stations are co-located with other facilities, there is no compelling evidence before me to demonstrate that the Council would not be able to resist future proposals for additional, harmful developments on adjoining land should the appeal be allowed.

Planning Balance

39. The Framework states, at paragraph 157, that the planning system should support the transition to a low carbon future in a changing climate. At paragraph 114 a), it indicates that when considering development proposals, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up. Furthermore, paragraph 116 e) requires that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. To contribute towards achieving these objectives, and enable a shift to more sustainable modes of transport by phasing out petrol and diesel vehicles, it is reasonable to consider that additional electric vehicle charging infrastructure on a significant scale is required.
40. The proposal is not a renewable or low carbon development. Nonetheless, it would deliver a substantial number of additional rapid charging points compared with the existing and planned provision in the area. It would, therefore, support the move from the internal combustion engine and help to reduce carbon emissions. The site location is conveniently close to the very busy A1, thereby providing public benefits by adding in a meaningful way towards the provision of a widespread, regularly spaced, accessible and convenient charging point network. Furthermore, the proposal would also add to Stamford's limited electric vehicle charging infrastructure and provide clear

benefits to the residents of the settlement who do not have access to charging points at home or at work.

41. I have found no harm to the character and appearance of the area, or in respect of crime or the fear of crime. Any conflict with Policy SP4 and Policy SP5, that I have found, is limited, and such conflict is greatly outweighed by the identified public benefits arising from the provision of electric vehicle charging points as proposed.

Conditions

42. The parties provided me with suggested conditions, which I have reviewed in line with guidance and best practice.
43. I have imposed the standard time limit condition, and, in the interests of certainty, a condition that specifies that the development is carried out in accordance with approved plans.
44. A condition is necessary to secure a Construction Management Plan to protect the living conditions of nearby residents. This must be a pre-commencement condition to ensure controls are agreed and are implemented prior to the start of any construction works. For the same reason, a further condition is necessary to secure restrictions on the hours during which construction can take place.
45. Given the potential of the site and surrounding area, I am satisfied that a condition is required to secure archaeological investigations. This is also a pre-commencement condition as by their nature, such investigations would largely take place before construction works commence.
46. A condition relating to the implementation of the recommendations of the Preliminary Ecological Appraisal is also included in the interests of nature conservation. I have also imposed a condition relating to external lighting to mitigate its potential effects on wildlife, on the countryside and the living conditions of local residents.
47. To ensure that the appearance of the development is appropriate in this rural location I have imposed a condition that requires the approval of external surface materials. Conditions relating to hard and soft landscaping have also been included for the same reason.
48. I have imposed a condition relating to the implementation of the submitted drainage scheme to minimise the likelihood of flooding. In the interest of highway safety, I have also included conditions requiring the widening of South View and the provision of a parking space for a service vehicle.
49. A condition is imposed regarding the approval and implementation of security measures to safeguard against crime and anti-social behaviour, which includes a requirement to maintain the landscaping and regularly remove litter. I have not, however, imposed a condition relating to a cleaning schedule for the toilet building, as I am not satisfied that it is relevant to planning.
50. As I have found the impact of the development on the character and appearance of the countryside to be acceptable, I have not imposed the suggested condition that the site is restored after the lease on the land expires. Furthermore, no evidence has been presented that demonstrates that the

provision of a fire hydrant or defibrillator are relevant to the development to be permitted or necessary to comply with policy.

51. Finally, given the existing agricultural use of the site, the absence of evidence about potential contamination, and the nature of the end use, I do not consider it to be reasonable or necessary to impose a condition regarding unexpected contamination.

Conclusion

52. Overall, whilst the proposal would conflict with the development plan, which carries substantial weight in the decision, the benefits that I have identified would outweigh the harm arising from such conflict. Based on the individual merits of the scheme, the material considerations indicate that planning permission should be granted, therefore.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Lewis Knight	Senior Associate Director, BNP Paribas Real Estate
Jake Goldby	Head of Acquisition, Osprey Charging Network Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Charmaine Morgan	Chairwoman of the Planning Committee
Venezia Ross-Gilmore	Senior Development Management Officer
Adam Murray	Principal Development Management Planner
Phil Jordan	Development Management & Enforcement Manager

INTERESTED PARTIES:

Harrish Bisnauthsing	District Councillor
Richard Cleaver	District and County Councillor
Nick Harding	Planning consultant representing local residents
Stuart Bremner	Local resident
Steve Brown	Local resident

DOCUMENTS:

South Kesteven District Council's Response to Costs Application

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 the following approved plans:

Site Plan Proposed GS01 V18
Stamford Hub Elevation Plan V1
Location Plan GS03 V18
Toilet Block Detail View

- 3) No development shall take place until a written scheme of archaeological investigation shall have been submitted to and approved in writing by the local planning authority. Thereafter, the archaeological investigations shall be completed in accordance with the approved details.
- 4) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include measures to mitigate the impacts during the construction stages of the development hereby permitted and shall include:

- a. The phasing of the development, including access construction.
- b. The on-site parking of all vehicles of site operatives and visitors.
- c. The on-site loading and unloading of all plant and materials.
- d. The on-site storage of all plant and materials used in constructing the development.
- e. Dust suppression measures.
- f. Wheel wash facilities.
- g. A strategy stating how surface water runoff will be managed during construction, and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during all construction works.

The Construction Management Plan shall be strictly adhered to throughout the construction phase.

- 5) Construction work on site shall only be carried out between 0730 and 1800 Monday to Friday, and 0900 to 1300 on Saturdays. Construction work (which includes the use of all mobile and fixed plant and machinery, radios and delivery of materials) shall not be carried out on Sundays or Public Holidays, unless otherwise agreed in writing by the local planning authority.
- 6) All works on site shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (Pioneer Environment) (PEG375-01B).
- 7) No development above foundation level shall take place until full details of external lighting, including a light spillage plan setting out the level of illumination in relation to neighbouring land; the height, design and position/angle of the lighting; and means of ensuring that the lighting only operates during times of darkness, shall be submitted to and approved in writing by the local planning authority. The lighting installations shall be carried out in accordance with the approved details and maintained as such thereafter.

- 8) No development above foundation level shall take place until details of the materials to be used to surface the site and in the construction of the external surfaces of the toilet block have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No development above foundation level shall take place until a scheme of all hard and soft landscaping works has been submitted to and approved in writing by the local planning authority. Such details shall include:
 - a. Planting plans.
 - b. Written specifications (including cultivation and other operations associated with plant and grass establishment).
 - c. Schedules of plants (noting species, plant sizes, and proposed numbers/densities where appropriate).
 - d. Minor artefacts and structures (as a minimum the picnic benches, CCTV cameras and refuse collection receptacles).
- 10) All planting, seeding or turfing comprised in the approved soft landscaping scheme shall be carried out in the first planting and seeding season following the development hereby permitted being brought into use 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 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) Before the development hereby permitted is first brought into use, all hard landscaping works shall have been completed in accordance with the approved details.
- 12) Before the development hereby permitted is first brought into use, a scheme to minimise crime and anti-social behaviour shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on the recommendations of the Designing Out Crime Officer (dated 5 March 2024) and should include details of a monitored CCTV system with associated signage and lighting, Automatic Number Plate Recognition system, private security patrols, maintenance of the site including the on-site planting, and removal of litter. The scheme shall be implemented in accordance with the approved details when the development is first brought into use and retained thereafter for the lifetime of the development.
- 13) Before the development hereby permitted is first brought into use, the scheme for the treatment of surface water drainage shall have been completed in accordance with the details set out within the approved Flood Risk Assessment and Drainage Strategy Technical Note (CAR Ltd) (Ref 4131/Rev A). The scheme shall thereafter be retained and maintained in accordance with such approved details for the lifetime of the development.
- 14) Before the development hereby permitted is first brought into use, works to widen and upgrade South View shall have been carried out in accordance with the details shown on drawing titled 'Site Plan Proposed GS01 V18' and thereafter retained for the lifetime of the development.
- 15) Before the development hereby permitted is first brought into use, a parking space for a service vehicle shall be laid out within the site and thereafter retained for the lifetime of the development.