



Appeal Decision

Site visit made on 19 August 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2024

Appeal Ref: APP/M2840/W/24/3339025

Uplands Farm, Harrington Road, Loddington NN14 1LH

- 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 Uplands Farms LTD against the decision of North Northamptonshire Council.
 - The application Ref is NK/2021/0765.
 - The development proposed is change of use of agricultural building to B2.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.
3. Since the application was determined, the National Planning Policy Framework (the Framework) has been revised. Both the main parties have had the opportunity to comment during the appeal process.
4. At the time of my site visit, the development was mostly complete, and the building was in use with the rolling road enclosed to the front of the building. Numerous motor vehicles were parked outside and around the building, but this layout does not correspond with the layout on the submitted plans. The application form states the site is in agricultural use, but the works and change of use have also been completed. The appellant's evidence also makes clear that the scheme was submitted retrospectively. However, the parking layout is not correct, and I have dealt with the appeal on the basis that it is part-retrospective.

Main Issues

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

- the effect of the proposed development on the living conditions of future occupiers of Uplands Farm and nearby occupiers with respect to noise and disturbance; and
- highway safety with particular regard to parking provision.

Reasons

Character and appearance

6. The appeal site contains a large former agricultural building constructed of breeze block with cladding to the upper level and a shallow-pitched roof. Large sliding doors are located on either end. There are hard-standing areas around the building, with an open-fronted barn to the northwest and planting and fields beyond. A smaller number of outbuildings/containers are also sited close by. This arrangement gives the site a rural agricultural character and appearance.
7. As noted by the Council, there are a number of motor vehicles in varying conditions sited around the buildings, detracting from the agricultural layout and appearance of the site and surrounding area. Nonetheless, the appeal site's agricultural nature, bounded by hedgerows and trees with fields beyond, results in the site forming an integral part of the wider countryside. Moreover, many of these vehicles are not located within the proposed parking bays and do not form part of this appeal.
8. The nearest settlements are Orton Village to the north and Loddington Village to the east, which are connected by a public right of way (PRoW). As part of my visit, I passed through both settlements and walked along nearby public routes. Outside of these settlements and beyond general road traffic the area had a quiet and tranquil quality indicative of its countryside location.
9. The appeal building is located some distance off Harrington Road. Access to the appeal site is taken from the farm track serving Uplands Farm. On my site visit, I observed that the access track beyond Uplands Farm, hardstanding, and appeal building was barely visible from the surrounding area. Subject to the proposed parking layout, the modest number of vehicles parked outside the building would not be harmful to the appearance of the area. This is because the site is primarily enclosed, and vehicles would be at a low-level set against the building.
10. No work was undertaken within the building during my site visit. The appellant has identified the works that regularly occur within the building and associated activities outside the building, including occasionally road-legal cars being test-driven on the track. The motorsport use has generated a different and more intensive level of activity than previously occurred when the building was used as a grain store, particularly as the vehicles are also being test-driven along the track.
11. The upper-level condition of the cladding with holes and snapped edges on the building means that noise and disturbance will emanate from the building. Given the countryside setting of the site, this noise will be evident from some distance, which would likely include the nearby PRoW. The resultant noise would be harmfully uncharacteristic of the tranquil setting of the area.

12. I have not been supplied with details of dates or times when vehicles are test-driven outside of the building. Nonetheless, even if this is occasionally as stated by the appellant, the noise from the vehicles has resulted in objections due to the effect of motor vehicle noise in the quiet countryside location. As such, I find that the use of the building and access road has resulted in unacceptable harm to the character of the surrounding countryside.
13. I have had regard to the appellant's noise impact assessment report¹ and that casual or passing visitors are discouraged. However, insufficient information has been provided to demonstrate the rolling road enclosure can be fully enclosed within the existing building to the specification required. Additionally, I have reservations on the enforceability of keeping the doors closed for periods which could last up to two hours.
14. Consequently, while the appeal proposal would not harm the appearance of the surrounding area, it does harm its tranquil rural character. The development therefore conflicts with Policies 8 and 25 of the North Northamptonshire Joint Core Strategy (NNJCS). These require, amongst other things, development to respect and respond to the site's immediate and wider context and local character in the rural area.

Living conditions

15. To get to the motorsport facility, vehicles must pass Uplands Farm, which is close to the access track. The appellant also identifies vehicles are tested on this access. NNJCS Policy 8 seeks to ensure quality of life, amongst other things, by protecting amenity of future occupiers from noise, vibration, and other pollution.
16. I have established above that limited details are before me in terms of vehicle movements along the track, including for testing. As such, while there is no objection from the present occupier of Uplands Farm, the level of noise and vibration could be harmful to future occupiers of the property. Moreover, insufficient evidence has been presented to show that harmful noise from the rolling road can be adequately controlled and mitigated to prevent noise and disturbance to future occupiers of Uplands Farm or other nearby properties.
17. As a result, I find that the noise and disturbance, and a lack of effective mitigation, renders the development contrary to Policy 8 of the NNJCS, which expects development to protect future occupiers and neighbouring properties from unacceptable impacts and being adversely affected by unacceptable levels of amongst other matters, noise and vibration.

Suitable location

18. The appellant does not dispute that the appeal site is located within the open countryside. Policy 11 of the NNJCS relates to rural diversification and the appropriate re-use of rural buildings in the countryside. Policy 11 identifies proposals will be supported in accordance with NNJCS Policy 25. Other forms of development will be resisted in the open countryside unless there are special circumstances as set out in Policy 13 or national policy.
19. NNJCS Policy 25 supports opportunities to develop and diversify the rural economy that are of an appropriate scale for their location and respect the

¹ Noise impact assessment report dated 12 May 2022. Prepared by NoiseAir.

environmental quality and character of the rural area will be supported. Having regard to criterion a) of Policy 25, there is no outright restriction on a motorsport engineering facility in this location. However, as I have identified, the appeal scheme is harmful to the character of the rural area. It, therefore, conflicts with the overall aims of NNJCS Policy 25.

20. From the evidence before me and my findings above, the appeal scheme fails to demonstrate it would meet any of the exceptions listed under special circumstances as set out in Policy 13 of the NNJCS. With regard to the Framework, there is no substantive evidence before me to conclude the appeal would not result in the diversification of an agricultural business. Nonetheless, the harms identified in relation to the character of the area would result in conflict with the Framework in so far as it seeks development to be sensitive to its surroundings.
21. Consequently, having regard to the spatial strategy as a whole the development conflicts with NNJCS Policies 11, 13 and 25. As I have found conflict with NNJCS Policies 11 and 13, the proposal would also conflict with Policies LOC1 and RS4 of the Kettering Site Specific Part 2 Local Plan. As such, the appeal scheme represents an unsuitable location that would be at odds with the spatial strategy of the development plan.

Highway Safety

22. The Council states that insufficient information has been provided in support of the appeal scheme in terms of the number of vehicles to be worked on and the number of visitors. The submitted plans identify parking for staff and visitors and for cars awaiting work. However, some of these spaces appear to be outside of the red edge of the application site. As such, I cannot be sure a sufficient level of parking provision will be provided to accommodate the needs of the business. If adequate parking is not provided, this could lead to conflicts between vehicles, including agricultural vehicles on or near the site.
23. For the reason above, the development has not demonstrated that it would not result in unacceptable harm to highway safety. The development would therefore conflict with Policy 8 of the NNJCS, which seeks, amongst other things, adequate parking provision.

Other Matters

24. The proposal would provide economic benefits in terms of farm diversification and from the employment from the use of the site. The economic benefits align with the local and national policies that seek to support rural economic growth, which weighs in favour of the proposal. However, given the scale of the scheme, these benefits would be limited and do not outweigh the harms I have found.

Conclusion

25. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
26. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

A Hickey

INSPECTOR