



Appeal Decision

Site visit made on 1 October 2024

by C Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/P1133/W/24/3340345

Squireswood, Maddacombe Road, Kingskerswell, Devon TQ12 5LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Lyndy Ashton against Teignbridge District Council.
 - The application Ref is 23/01319/FUL.
 - The development proposed is external open storage area for B8 Use Class.
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Decision

1. The appeal is allowed and planning permission is granted for an external open storage area for B8 Use Class at Squireswood, Maddacombe Road, Kingskerswell, Devon TQ12 5LF, in accordance with the terms of the application, Ref 23/01319/FUL, subject to the conditions set out in the Schedule at the end of this Decision.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of surrounding occupiers, having particular regard to noise and disturbance.

Reasons

Character and appearance

3. While there are residential and commercial properties along this section of Maddacombe Road, the area is predominantly rural in character. Views from the street are mainly dominated by trees, hedgerows, and open fields. The appeal site contributes to these characteristics as it comprises open land that is mostly concealed from public view behind a tall hedgerow.
4. Although the proposal is described as a 'storage area for B8 Use Class', the appellant says that the intention is to store boats, caravans and motorhomes on the site. Given that the site is well screened by a hedgerow, it seems to me that such a use would have little impact on the character of Maddacombe Road. While it would be possible to see the interior of the site from the entrance gate, this would only be glimpsed by passing traffic. There is no pavement here and, due to the topography of the area and the surrounding vegetation, the site is not seen from many other public vantage points.

5. Depending on the height of the items stored on the site, it may be possible to partially see some of the stored items on the other side of the hedge (such as the masts of boats). However, this would be viewed in the context of other commercial uses in Maddacombe Road and would have little impact on the open and green character of the wider landscape. The quantity of items stored on the site would be limited by its relatively small size.
6. As the proposal would maintain the openness and character of the landscape it would be compatible with the Strategic Open Break designation as described in Policy EN1 of the Local Plan¹. For similar reasons, there would also be no conflict with the landscape protection objectives of Policies S2, S22 and EN2A. Policy EC3 of the Local Plan allows new storage uses in the open countryside. However, as the policy criteria do not apply to the site, it is largely irrelevant. The policy does not prohibit the appeal proposal.
7. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area.

Living conditions

8. There are some dwellings close to the site, including on the opposite side of Maddacombe Road near the entrance gate. Squireswood shares access with the appeal site and is also in close proximity.
9. The site is mainly empty at present and so the proposal would inevitably lead to some increase in activity compared to the current situation. However, the proposal would not generate such noise and disturbance that it would undermine living conditions in surrounding dwellings. Nor would it disrupt local businesses, including the nearby kennels. There is already a degree of background noise as heavy lorries use Maddacombe Road to access the quarries and other businesses. Vehicles manoeuvring on the site are unlikely to add to this substantially and a condition can potentially be imposed to restrict hours of operation. Besides, storage is a mainly passive activity and so there would be times when the site would generate no noise at all.
10. I am aware that the site has planning permission² for eleven caravans to be used as all year round holiday accommodation. The Council does not deny that this permission remains extant. It therefore seems to me that the site would most likely be developed as a caravan park in the event of this appeal being dismissed. Even if the appellant did not wish to pursue this course of action, it would remain open for a subsequent owner to site caravans here.
11. If the planning permission for a caravan site were to be implemented, this would also generate noise and disturbance. In that event, vehicles would potentially enter and exit the site on a 24 hours basis and there would be a permanent residential presence. In my view, this has greater potential to disturb neighbours than the proposed storage use.
12. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of surrounding occupiers. There would be no conflict with Policy S1 of the Local Plan. Amongst other things, this seeks to protect residential amenity.

¹ Teignbridge Local Plan 2013-2033.

² Council Ref: 16/02969/MAJ.

Other matters

13. There are already storage facilities in the vicinity of the site. However, this is not a reason to withhold planning permission. The Local Plan does not require a need for additional storage facilities to be demonstrated.
14. I appreciate that vehicles will need to enter and exit the site and this will potentially slow traffic. However, the existing planning permission for a caravan site would, if implemented, have a similar effect. The scheme has been assessed by the Highways Authority and no concerns have been raised regarding highway safety or traffic flows in Maddacombe Road. A condition can be imposed to ensure that the access has adequate visibility.
15. Information has been provided that shows that the ground is permeable and the site is not at risk of flooding. A condition can be imposed to ensure that an adequate drainage system is installed.
16. An ecological appraisal has been carried out that demonstrates an acceptable impact on wildlife. There is potential to further enhance biodiversity by imposing a condition that requires additional planting.
17. The County Council has indicated that the proposal would not further constrain mineral resources. Furthermore, there is no indication that hazardous substances would be stored on the site. The nature of what is kept on the site can be controlled by planning conditions.

Conditions

18. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. For highway safety, there are also conditions requiring details of access and parking arrangements. To prevent flooding there is a condition requiring a drainage plan and retention of the permeable surfacing. In the interests of character and appearance, there is a condition ensuring that the storage is limited to caravans, motorhomes and boats. For the same reasons there are conditions requiring further landscaping details, the retention of vegetation and the control of lighting.
19. To protect the amenity of nearby occupiers, there is also a condition requiring activities on the site to be carried out in accordance with a noise management strategy. It seems to me that this is the best mechanism to establish whether vehicles should be restricted to entering or leaving the site during certain times of day. As such, I have not imposed the condition suggested by the Council which specifies the times of 09:00-18:00.

Conclusion

20. The appeal is allowed.

Colin Cresswell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Layout.
- 3) Prior to commencement of development, full details and plan shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the site's access is acceptable in terms of its width and visibility. The development shall then be carried out in accordance with these approved measures and retained as such thereafter in perpetuity.
- 4) Prior to commencement of development, full details and plan shall be submitted to and approved in writing by the Local Planning Authority to show adequate parking and turning areas within the site. The development shall then be carried out in accordance with these approved measures and retained as such thereafter in perpetuity.
- 5) Prior to commencement of development, full details of the adoption and maintenance arrangements for the permanent surface water drainage management system shall be submitted to and approved in writing by the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. The approved details shall then be fully implemented and operational before the site is used for storage, and thereafter retained in perpetuity.
- 6) Prior to commencement of development, a Noise Management Assessment shall be undertaken, along with any necessary noise mitigation strategy, and shall be submitted to and approved in writing by the Local Planning Authority. This should take into account the impact from any noise and disturbance of the permitted use and activities on neighbouring residents and businesses. The development and subsequent operation of the site shall be carried out in accordance with any approved mitigation measures.
- 7) Prior to commencement of development, a detailed ecological mitigation and biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This should take into account the findings and recommendations of the submitted Ecological Appraisal. The approved details shall then be fully implemented within an appropriately defined timeframe and retained in perpetuity.
- 8) Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This should include details of new soft and hard landscaping, boundary treatments, planting, and areas of hardstanding. The approved landscaping scheme shall be fully implemented during the first planting season following approval. Any trees, shrubs or plants that die within a period of five years from being planted, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

- 9) The site shall be used solely for the storage of caravans, motorhomes and boats, and for no other purposes including any other open storage use or any other use falling within Use Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications. No vehicle or equipment taller than 4 metres shall be stored at the site.
- 10) The retention of the area of hardstanding hereby permitted shall be remain as a permeable material in perpetuity.
- 11) No external lighting shall be installed on the site, except for low-lumen, LED, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any such lights shall be associated with doors only and mounted, at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges and trees. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more. All glazing shall be treated to have low light transmission properties, i.e., with Visible Light Transmission of 40% or less.
- 12) All existing trees, hedges and shrubs shall be retained. No vegetation trimming shall take place from 1 March to 15 September inclusive in any calendar year.