



Appeal Decision

Site visit made on 4 November 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/H0520/W/24/3346375

3 Rookery Place, Fenstanton PE28 9LZ

- 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 Poopalasingam Thillaivarothayan against the decision of Huntingdonshire District Council.
 - The application Ref is 23/01421/FUL.
 - The development proposed is retrospective permission for the installation of a storage container at the rear car park area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the Council's decision notice because it is a more succinct, accurate description of the development before me than the one provided on the planning application form.

Main Issue

3. The main issue in this case is the effect of the storage container on the character and appearance of the area.

Reasons

4. The appeal site comprises a short row of commercial and shop units (with accommodation above), which front Rookery Place, with a servicing and car parking area to the rear accessed adjacent No.7b Rookery Place. In the north-west corner of the appeal site, a storage container has been installed, elevated on two courses of bricks, which measures around 9.74m long, 2.74m deep by 2.4m high.
5. I observed on my site visit that the area to the rear of Rookery Place appears to be used for the storage of a caravan and burger van, as well as providing servicing access and car parking for the commercial and retail units. It is accepted therefore that it is an area which is generally utilitarian in its character and appearance. However, although partly screened by the commercial units, the container is nonetheless very visible from the corner of Rookery Place and Rookery Way, and the footpath that runs alongside the eastern boundary of the appeal site. The appellant argues that any visibility

from the footpath is 'incidental,' not intrusive, and does not affect overall aesthetic. I do not share this view. To the contrary, I observed that from this location the container is viewed in the context of those houses which front the Headland and it appears an incongruous, unsympathetic addition particularly given its size and crude metal appearance. Whilst I note that the container has recently been painted green, and this may mask (for a period of time) its weathered appearance, it does little to improve its design or finish.

6. It is agreed by the parties that the storage container is not permitted development by virtue of Schedule 2, Part 7, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to development consisting of a collection facility within the curtilage of a shop, and is subject to various conditions. The appellant's case is that these permitted development rights are not 'entirely irrelevant' (as a fall-back position), and that they underscore the potential acceptability of similar development. However, Class C requires an applicant to apply to the Local Planning Authority for determination as to whether prior approval would be required for the siting, design and external appearance of such development. A collection facility would therefore likely still be required to satisfy the Council that it was acceptable in design and I have no evidence before me as to what a 'similar development' may look like, or whether it would be supported by the Council in this location. It therefore adds very little to the case now before me, or provides justification for the existing storage container.
7. I therefore conclude on the main issue that the storage container causes significant harm to the character and appearance of the surrounding area. Consequently, it conflicts with policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 (2019) which together requires development to be well-designed and to respond positively to context and to the area's character and identity. It would further conflict with the principles of good design in the National Planning Policy Framework (the Framework) and the National Design Guide (2021).

Other Matters

8. The appellant's evidence has drawn my attention to the economic objectives of, and guidance in, the Framework which includes creating conditions for businesses to invest, expand and adapt. I have had careful regard to this guidance and also to the appellant's case that the container is considered to be critical storage for his retail business, and provides a much needed safe and secure storage capability. However, I have no substantive evidence before me regarding the nature or amount of the storage that is required by the appellant, or why the space available inside the retail unit is insufficient. On the evidence before me, I am not therefore persuaded that the business needs of the appellant outweigh the significant harm that I have found to the character and appearance of the area.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

R. Jones

INSPECTOR