



Appeal Decision

Site visit made on 7 January 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Appeal Ref: APP/D3505/W/24/3345116

Corner Garage, The Street, Shotley, Suffolk, IP9 1LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) ("the Act") against a refusal to grant planning permission.
 - The appeal is made by Mr Nik Butler against the decision of Babergh District Council.
 - The application Ref is DC/24/00500.
 - The development proposed is change of use of land to residential and erection of a garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.
3. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed change of use requires planning permission as raised by the appellant. However, I shall consider the evidence as to whether permission is required in so far as it is material to this appeal.

Main Issues

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

Reasons

Suitable Location

5. The appeal site is a small parcel of land adjacent to Corner Garage and Corner House. It is accessed from The Street and is bordered by a hedge which separates it from the parcel of grass which borders the highway. The proposed development would introduce a single storey, dual pitched garage.
6. Policy LP10 of the Babergh District Council & Mid Suffolk District Council Joint Local Plan Part 1 2023 (JLP1) establishes support for development that leads to

the full or partial loss of employment site or premises subject to certain criterion. LP10(2)(a) requires that sustained marketing for a period of six months should be explored by an independent qualified assessor regarding the possibility of re-using or redeveloping the land for other employment or community uses.

7. The appeal site has been part of the wider commercial site (Corner Garage). The appellant has agreed a lease for the petrol forecourt, MOT Station and Repair workshop to continue, however the appeal site is not part of the lease. The proximity of Corner House to the garage, the history of one ownership of the sites as well as the mound between the appeal site and garage forecourt does not change the designation of the appeal site as employment land.
8. The appellant refers to the appeal site being of no use to the garage and that the stress of staff shortages in the motor trade industry as well as the introduction of electric vehicles would render any future expansion of the garage to be extremely unlikely. However, there is limited evidence before me to demonstrate that this is the case. Additionally, the appellant has not adequately demonstrated that the site has been marketed as per the requirements of LP10. Consequently, it has not been demonstrated that the appeal site is unviable for continued commercial use. This is further supported by Policy SP05 of JLP1 which emphasises that land for employment uses shall be protected for ongoing employment use unless such use is convincingly demonstrated to be unviable.
9. The appellant states that they consider the selling of the appeal site from the wider plot of land to not be in its best interest given the history of its use by occupants of Corner House. However, this is the personal preference of the appellant and does not justify the appeal scheme.
10. Furthermore, the appellant refers to the appeal site being used as part of the residential garden of Corner House for over 40 years by the previous owners as well as themselves and consequently that a lawful development certificate could be attained. Whilst the appellant states that for the past 20 years members of their family have used the appeal site to play games as well as previously using it as a vegetable patch, they have not adequately demonstrated this use in the evidence before me. Therefore, given there is no lawful development certificate before me to establish the lawful use of the site, I attach limited weight in favour of the appeal.
11. In conclusion, the appellant has not adequately demonstrated that the appeal site is unviable for employment use. It therefore conflicts with Policies LP10 and SP05 of the JLP1 which seek, amongst other things, to sustain a suitable land supply to meet economic demands.

Character and Appearance

12. The appeal site is located off the B1456 which is the main road into Shotley. A prominent characteristic of the road and surrounding area is the set back of the built form from the road allowing there to be verdant borders.
13. The Council deem the dual pitched garage to be appropriate in terms of scale and design. I find no reason to disagree with their conclusions.
14. The appeal site is set back from the highway and bordered by a substantial hedge to the front of the land. This would limit any views of the proposed garage from the public highway. Moreover, given that there is a parcel of green land that borders

the highway the addition of the garage would not impinge upon the characteristic verdant border which is a prominent characteristic of the area. Consequently, the appeal scheme would not result in significant harm to the character and appearance of the surrounding area.

15. Whilst the dual pitched design would be seen over the boundary hedge, it would not result in harm to the open views of the forecourt given that the development would be set back significantly from the highway. Furthermore, given the external amenity space of Corner House is located to the front and side of the dwelling, the proximity of the proposed garage would not be unreasonable.
16. In conclusion, the appeal scheme would not result in harm to the character and appearance of the surrounding area. Thus, it would comply with Policies LP17 and LP24 of the JLP1. These policies seek, amongst other things, to ensure developments are of a high-quality design, respond to and safeguard the existing character of the surrounding area and reinforce local distinctiveness.

Other Matters

17. It is the personal preference of the appellant to use a local storage unit to store their possessions. Consequently, the price of the storage is not determinative for this appeal.
18. The appellant highlights that given the lease of the garage they now do not have adequate off-road parking provision for their vehicles as well as any visitors. However, the appellant has not adequately demonstrated that this on road parking harms the living conditions of neighbouring residents.
19. Finally, the contribution the appellant has made in regard to the maintenance of the appeal site and the surrounding area is a neutral matter and weighs neither in favour of, nor against the proposed development.

Planning Balance

20. The appeal scheme would not harm the character and appearance of the surrounding area and would provide offroad parking provision for the occupants of Corner House. It would also provide a sparrow terrace and bat box which would be beneficial to the ecological value of the site for local wildlife. However, these benefits do not outweigh the harm I have identified above. There are no material considerations of such weight or significance to justify a decision other than in accordance with the development plan.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR