



Appeal Decision

Site visit made on 14 May 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2019

Appeal Ref: APP/F4410/W/18/3219360

3 Alverley View, Springwell Lane, Alverley, Doncaster DN11 9DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Southall against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/00055/COU, dated 30 January 2018, was refused by notice dated 12 October 2018.
 - The development proposed is change of use of domestic garage to Class B1(b) Car Minor Repair and Servicing Operation.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site is located within the Green Belt, the main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;
 - The effect of the development on highway safety
 - The effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

3. The appeal site consists of an extended detached garage, accessed by a service road from Springwell Lane, passing the northern end of the terraced row which services the rear of the Alverley View properties.
4. Paragraph 143 of the National Planning Policy Framework (the Framework) explains that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 145 lists the specified exception categories, which the appeal proposal does not fall into.

5. Paragraph 146 indicates that certain 'other forms' of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include, under exception (d), the re-use of buildings that are permanent and of substantial construction.
6. I find that the building can be reasonably regarded as being of permanent and substantial construction. Nonetheless, the key test is set out in the first sentence of Paragraph 146 of the Framework and concerns the preservation of openness of the Green Belt.
7. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Enforcement Appeal (APP/F4410/C/17/3173259) in December 2017 found that the use of the garage was commercial in nature, and the level of use and activity went beyond that which would normally be associated with a residential property.
8. As a result, I find that the commercial use of the site for the maintenance and repair of vehicles not incidental to the enjoyment of the dwelling undermines, and therefore harms the openness of the Green Belt. Consequently, the appeal proposal does not meet the criteria set out in Paragraph 146 of the Framework and is inappropriate development and is also contrary to Policy Saved Policy ENV3 of the Doncaster Unitary Development Plan (1998) (the UDP) as it relates to appropriate forms of development within the Green Belt.

Highway safety

9. The appellant has stated that three parking spaces are available via a long-term lease from an adjacent neighbour, and that no vehicles are left out of the garage when then business is closed. In addition to this, the appellant has stated that only one vehicle is worked on at a time, with an additional vehicle parked appropriately.
10. I understand from the Council's submission that details of the car parking provision and the lease for the additional spaces were requested from the appellant during the application process but were not forthcoming.
11. The access road that serves the appeal site is wide enough to allow for vehicles to enter and exit at the same time, and I note that the highways consultee has not raised concerns regarding the access from Springwell Lane. Nonetheless, I noted from my site visit that the road narrows and turns at right-angles to allow access to the rear of the Alverley View properties.
12. As I have not been supplied with a parking layout, or any evidence of the leasing of the additional vehicle parking spaces, I cannot conclude with any certainty that the operation of the commercial enterprise would not cause harm to highway safety from the manoeuvring and parking of additional vehicles over and above that which would normally be expected from the servicing of residential properties via an access road. As a result, I find that the proposals are contrary to Policy CS14 of the Doncaster Core Strategy (2012) (the CS) as it relates to the protection of highway safety and is also contrary to the highway safety aspects of the Framework.

Effect on living conditions

13. I note that the appellant has stated that the doors to the garage are closed when work is taking place, and that no noise generating processes such as panel beating, or chassis repair takes place due to the limitations of space and would be conducive to conditions that would control such issues.
14. However, I concur with the Council in that such restrictions would not be easily enforceable and would not meet the necessary tests with regard to conditions. In addition, I note the concerns of some residents relating to noise and disturbance, although other residents support the proposals.
15. I have also taken into consideration that, on this subject, the Inspector who dismissed the Enforcement Appeal stated:

"While I note that some of the residents' concerns are disputed by the appellant, it seems more likely to me that a commercial vehicle repair activity on the scale operated by the appellant, and in such close proximity to residential properties, would result in significant harm in terms of noise, disturbance and other adverse effects to those occupiers."
16. From the evidence in front of me, and the situation and the time of my site visit, there is no change in circumstances from that position set out in 2017, and the current situation at the appeal site that would warrant a different position being taken on this issue.
17. Therefore, I find that the effect of the proposals would cause harm to the living conditions of the neighbouring occupiers by means of noise and disturbance, and as such, the proposals are contrary to Policy CS14 of the CS which states that, amongst other matters, development should have no unacceptable effects on the amenity of adjacent uses, in this case, adjacent residential development, and is also contrary to the amenity aims of the Framework.

Other considerations

18. I have noted the comments of the appellant that the Council have overstated the size of the small family business, and the nature of the works that take place in respect of the effect on other residential properties. However, I can attach only limited weight to these considerations put forward in support of the proposal. I have also taken into account all other matters, including the policies in the Framework and the Development Plan.

Conclusion

19. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant can be given limited weight in favour of the proposal, they do not outweigh the identified harm to the Green Belt and as a result, no very special circumstances exist to justify the development in Green Belt terms.
20. It would conflict with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise.

21. Therefore, the appeal is dismissed.

Paul Cooper

INSPECTOR