
Appeal Decision

Site visit made on 1 April 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2019

Appeal Ref: APP/J2373/W/18/3213469

Rear of 518 Midgeland Road, Blackpool FY4 5EE

- 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 Ratcliffe against the decision of Blackpool Council.
 - The application Ref 18/0169, dated 2 March 2018, was refused by notice dated 11 May 2018.
 - The development proposed is 'the erection of a single storey building for storage and maintenance of vehicles'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey building for storage and maintenance of vehicles at the rear of 518 Midgeland Road, Blackpool FY4 5EE in accordance with the terms of the application, Ref 18/0169, dated 11 May 2018, subject to the conditions contained within the attached Schedule.

Procedural Matters

2. The Appellant has secured agreement from the Council to change the description of the development provided on the Application Form. The amended description more accurately reflects the proposal and therefore I have used it.
3. Since the application was determined, the Marton Moss area has been designated as the Marton Moss Conservation Area (CA). I have taken this into account in determining the application.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the locality including its setting within the CA.

Reasons

5. The proposal seeks to erect a single storey garage building with a mono-pitch roof within the curtilage of an existing commercial garage. The appeal site is a large rectangular parcel of land which sits behind the dwelling of No. 518 Midgeland Road, with open land to the south and west. It sits within the Marton Moss Countryside area as defined by the Blackpool Local Plan Part 1: Core
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Strategy (2012-2027) (CS), which was adopted in 2016 and within the recently designated CA.

6. The proposed building would sit at the rear of the site. It would occupy almost the full width of the site, but it would be low level, measuring about 3.8 metres at its tallest point. It would be utilitarian in its appearance and it would be seen in the context of, and would be subservient to, the main garage building which is much larger. The proposed building would be largely screened by the existing building and landscaping to the boundaries and the Council accepts that its visual impact would be limited. On this basis, I am satisfied that the overall character and appearance of the CA would at least be preserved.
7. Policy CS26 of the CA relates specifically to Marton Moss. It explains that the character of the remaining lands at Marton Moss is integral to the local distinctiveness of Blackpool. It also advises that a neighbourhood planning approach will be promoted for this area to develop neighbourhood policy which supports the retention and enhancement of the distinctive character, whilst identifying in what circumstances development may be acceptable. It goes on to explain that prior to the development of a local policy framework through the neighbourhood planning process, development on the remaining lands of the Moss will be limited to the conversion or change of use of existing buildings for agricultural or horticultural purposes, outdoor recreational uses appropriate to a rural area, new homes that meet the requirements of the National Planning Policy Framework (the Framework) paragraph 55 (now paragraph 79) and extensions or replacement dwellings in keeping with the scale and character of the area.
8. The Council has advised that an application to designate the Marton Moss Neighbourhood Plan area and formally establish the Marton Moss Neighbourhood Forum was received on 9 January 2019 and a period of public consultation relating to this submission ended on 4 March 2019. This clearly shows some progression with regards to the production of a Neighbourhood Plan for the Marton Moss area, but there is no adopted Neighbourhood Plan before me.
9. The latest version of the Framework was published in February 2019. Paragraph 83 explains that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The next paragraph explains that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It goes on to say that in these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). It also explains that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
10. The appellant argues that some tension exists between policy CS26 of the CS and the most up to date version of the Framework. My reading of policy CS26

is that it provides something of an interim position until such time a Neighbourhood Plan is produced which will identify the types of development likely to be acceptable within the plan area. Policy CS26 lists the types of development that will be permitted before such a plan is produced. This is more specific and restrictive than the approach outlined by the Framework.

11. The appeal site amounts to previously developed land and whilst Marton Moss lies outside of any recognised settlement boundary and within a countryside area, the Council accepts that it is not '*remote or detached from the main urban area*'. On this basis, and bearing in mind that vehicles needing repair would need to be moved to any given garage (unless fixed by a mobile mechanic), I am satisfied that the proposal would not result in unsustainable travel patterns. There is no suggestion that the proposal would have an unacceptable impact on local roads.
12. In addition, the proposed building would be linked to and would complement the existing garage business and the appellant suggests that it could create additional job opportunities. Further, the building would be modest in terms of its overall size and it would be seen in the context of the existing, much larger garage building. Against this context, I consider that the proposal would comply with the guiding principles of the Framework.

Other considerations

13. The Council has expressed concern that the appeal proposal could set an undesirable precedent for additional development at Marton Moss. However, one of the fundamental principles underpinning the planning system is that each planning application should be determined on its individual planning merits, as I have done in this case. I therefore give very limited weight to this argument.

Overall Conclusion

14. A Neighbourhood Plan has not been produced for Marton Moss and the proposed development does not fall within any of the types of development permitted by policy CS26 of the CS as an interim measure. It therefore conflicts with this development plan policy. However, this policy pre-dates and is more restrictive than the latest version of the Framework. I find that the proposal would enable the sustainable growth and expansion of a business through a well-designed new building which is sensitive to its surroundings, as promoted by it.
15. I give this factor very significant weight in the overall planning balance and find that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conditions

16. In addition to the standard conditions which limit the lifespan of the planning permission and direct that development takes place in accordance with the approved plans, the Council has suggested several conditions in the event the appeal succeeds. I agree that the external finishing materials of the building must be controlled to ensure a visually acceptable development and details of drainage are required to ensure the development is adequately drained. I also

agree that measures should be undertaken to ensure that any materials stored do not pollute the environment and that the use should be limited to that which is proposed in order to enable the Council to control the use of the building.

17. No evidence has been advanced to persuade me that the potential for existing ground contamination needs to be investigated and given the existing tall landscaping located around the boundaries of the site, I am satisfied that further landscaping is not necessary. The appellant has expressed agreement to the conditions outlined, which I shall impose in allowing the appeal.

David Fitzsimon 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 received by the Local Planning Authority on 27 March 2018
Site Layout Plan Ref. GDS 3347 Rev A
Elevations Plan Ref. GDS 3348 Rev A
Floor Plan and Section Plan Ref. GDS 3349 Rev A
- 3) The development hereby permitted shall not commence until details of the external finishing materials of the building have been submitted to and agreed in writing by the Local Planning Authority. The development shall take place in accordance with the approved details
- 4) The development hereby permitted shall not commence until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and shall include measures, such as the provision of oil interceptors, to prevent contaminated run-off from entering the Kitty Lane Watercourse or any other surface or sub-surface water bodies. The development shall take place in accordance with the approved details.
- 5) Any oils, fuels, chemicals or materials with potential to pollute shall be stored in appropriate containers in accordance with oil storage regulations on an impervious surface surrounded by impervious bund walls. The capacity of the secure area shall equal that of the tank capacity of the material/fluid stored plus 10%. All filling points, vents, gauges and sight glasses shall be contained within the bund and should discharge into the bund and any associated pipework must be above ground and protected from damage.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the building hereby approved shall be used for the storage and repair of motor vehicles only within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose including any other purpose within the aforementioned class.