



Appeal Decision

Site visit made on 26 July 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Appeal Ref: APP/N2535/W/18/3200690

14 North Moor Road, Scotter, Gainsborough DN21 3HT

- 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 and Mrs Brown against the decision of West Lindsey District Council.
 - The application Ref 137258, dated 15 January 2018, was refused by notice dated 1 March 2018.
 - The development proposed is change of use of existing garage to use in connection with existing motor vehicle repair business.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Local development plan policies that pre-date the publication should be given due weight according to the degree of consistency with the Framework. Where Policies are consistent, I am satisfied that neither party would be prejudiced by my determining this decision in accordance with those Policies without seeking further comments.

Main Issue

3. The main issues are:
 - a) the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties; and
 - b) whether the proposed employment use represents an appropriate use of land.

Reasons

4. Policy LP5 of the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to ensure that development for employment purposes occurs within designated employment sites unless it can be shown that no suitable site are available that would satisfy the requirements of a proposal. Policy LP5 also seeks to ensure that developments related to employment do not have a significant adverse impact on the amenity of neighbouring occupiers. Policy LP26 of the Local Plan seeks to ensure that developments generally are compatible with neighbouring

land uses and do not unduly harm the living conditions of existing and future occupants of neighbouring land as the result of adverse noise and vibration.

Living Conditions

5. The appeal site comprises a single-storey detached double garage within the irregular shaped curtilage of No. 14 North Moor Road. The garage is currently in domestic use but is of a sufficient size and height that it could accommodate a business use including the use of a vehicle lift. The garage is located to the rear of the house and there are additional buildings on the site in commercial use, principally for a motor repair business. Access to the commercial and domestic elements is from North Moor Road and the site is bordered on three sides by residential properties. The commercial use of the site appears to be the only such use in the immediate vicinity.
6. The proposal is for a change of use to permit a trade operation of the domestic garage with a stated intention to decrease the days and hours of operation as part of a scaling down of the business use on the site. The stated intention would potentially moderate any existing noise and disturbance from commercial operations but it would not be impossible to ensure this without imposing a condition on working hours. While such a condition is feasible, the reduction in hours of operation is currently only aspirational and there is no certainty on the likely reduction in hours and if and when that reduction would occur. The change in location from the existing commercial garages at the rear of the site to the smaller unit close to the house at No. 14 would also result in operations taking place in closer proximity to the rear elevations and domestic gardens at Nos. 12, 16 and 18 North Moor Road. It was unclear from my site visit and the application drawings what, if any, artificial ventilation was installed at the domestic garage and therefore there is a distinct possibility that operations would be undertaken on the hard surface area in front of the garage or with the doors open, as occurred during my site visit at the garage to the rear of the site.
7. While there are residential premises close to the existing commercial buildings the elevations nearest to the dwellings are the solid rear or side walls, and the garage doors are in the front elevation facing into the site. In contrast, the large doors of the domestic garage face towards the rear elevations and gardens of the closest dwellings and therefore sound would be likely to travel more easily, especially if the garage doors are open. The proposed use would lead to noise and disturbance that would not be compatible with the residential use of the neighbouring land.
8. Therefore, I conclude that the proposal would not be in accordance with Policies LP5 and LP26 of the Local Plan in relation to the impact on the living conditions of the occupiers of neighbouring land and compatibility with neighbouring land uses. These Policies are consistent with the Framework, which at paragraph 127 advises that local development plan policies should seek to ensure that developments create places that promote health and well-being with a high standard of amenity and do not undermine quality of life.

Use of Land for Employment Purposes

9. There is no assessment before me of other potential locations for the business within any designated employment site. However, the appeal site already has an established employment use and the intention to scale down operations

could simply continue in the existing buildings. However, while such an assessment would be likely to add little by way of a compelling argument for or against the scheme, the proposal does not comply with Policy LP5 in this regard.

Other Matters

10. The appellants point out that they could undertake non-commercial servicing and repairs to vehicles at the domestic garage. However, this would be unlikely to be on the same scale as a commercial enterprise and such an ancillary domestic use would be no different from a similar operation by any occupiers of other residential properties. I therefore attach little weight to this argument. The appellants also state that it is unclear what part of any current use is considered 'non-conforming'. The term appears to have arisen in a report submitted for an earlier planning application but I do not have that report before me or an explanation of the meaning of the term. However, I have considered this appeal on its own merits and attach little weight to previous applications for the appeal site that are for development of a different kind.

Conclusion

11. For the reasons given, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR