

Appeal Decision

Site visit made on 13 June 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 June 2016

Appeal Ref: APP/X1735/W/16/3144066

44 Warfield Crescent, Waterlooville, Hampshire, PO7 7JP

- 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 Jay Jarnet against the decision of Havant Borough Council.
 - The application Ref APP/15/00646, dated 10 June 2015, was refused by notice dated 5 August 2015.
 - The development proposed is for restricted small business use for a further period of 3 years.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit the change of use had already taken place. Reference to the proposal being retrospective is superfluous and I have therefore left it out of the description of development in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed change of use on the living conditions of occupiers of neighbouring properties in Warfield Crescent.

Reasons

4. The appeal site comprises a detached bungalow. It is located on Warfield Crescent which forms a loop off of Warfield Avenue. Warfield Crescent provides access solely to the residential properties along its length. As such it has limited traffic and enjoys high levels of peace and quiet. Most properties have off-street parking within their own curtilages. However, there is also provision for on-street parking, which, at the time of my site visit, in the early afternoon on a weekday, appeared to be well used. This has the effect of narrowing the highway to single width in places.
 5. 44 Warfield Crescent has an area of hard standing to the front of the bungalow which is partly enclosed by hedging. The owner of No 44 owns a landscape business. At times, items in connection with this business, such as turf, are delivered on heavy goods vehicles to the property and stored on the front drive for a temporary period. The proposal before me seeks to allow a temporary planning permission for three years to regularise this change of use of the site.
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6. The appellant has provided a breakdown of the number of deliveries each month for 2013, 2014 and up to August of 2015. The appellant states that this amounts to around 0.41 deliveries a week. However I note that there is quite a degree of fluctuation and in some months, such as September 2014, there were 11 deliveries, which is closer to 2.75 deliveries a week. I note the appellant's comment that the higher number of deliveries at this time was a rare occurrence, but there is no further explanation in respect of this. As such I cannot be sure that this wouldn't occur again and on a more regular basis.
7. Taking the worst case scenario before me therefore, of 2.75 deliveries a week, this would result in large vehicles being parked outside of, or being manoeuvred onto the drive of No 44 whilst unloading. This would result in a relatively high level of associated noise and disturbance to the properties immediately adjoining or adjacent to the appeal site, given the surrounding conditions. Disturbance of this kind, at the same property, up to a couple of times a week, even if only limited to three years, would be above and beyond that which would normally be expected in a quiet residential road such as Warfield Crescent.
8. I note deliveries are generally requested after 9.30am, and are never at weekends or bank holidays. Nevertheless, I still consider that such deliveries would create an unacceptable level of noise and disturbance to residents, who, for whatever reasons, might be at home during the day. I note a suggestion to erect a fence between the appeal property and the adjoining neighbour 42 Warfield Crescent, as only a low boundary wall separates the two properties. However, I am not persuaded this would adequately mitigate the harm I have identified above.
9. There is on-street parking directly opposite No 44 making the carriageway here single width. As such, deliveries from large vehicles could block the road and neighbours' driveways, and it is clear from the evidence before me that this does sometimes occur and has caused inconvenience to some of the residents in Warfield Crescent.
10. Taking the above points together the proposal would be harmful to the living conditions of occupiers of neighbouring properties in Warfield Crescent. As such it would conflict with Policies DM10 and CS16 of the Havant Borough Core Strategy (2011) which, amongst other things, seek to protect the amenity of neighbours from noise.
11. I understand that the applicant has a desire to retire in the near future due to personal reasons, hence the request for a temporary permission. However, the day to day harm I have identified, and to which I must have regard, would not be limited or made different by making the permission a temporary one.
12. I also note that a large number of residents across Warfield Crescent support the change of use, particularly if it is personal to the appellant, which is a credit to him. I have considered creating a personal permission. However, planning permission runs with the land. It is only in exceptional circumstances, where permission might be granted to use land for a purpose which would not normally be allowed at a site, if there are strong compassionate or other personal grounds for doing so. Based on the evidence before me, I do not consider this to the case in this instance.

Other matters

13. Reference is made to other businesses operating in the area. None are directly comparable to the use before me nor do they provide an immediate context. In addition to this, I have no information as to whether these developments were permitted, or if so, the reasons or circumstances behind them. I can therefore only afford this matter limited weight.
14. The appellant considers that normal deliveries from builders' merchants, retail outlets and supermarkets, are similar to the deliveries to the appeal site. However, I consider that the noise associated with the unloading of heavy goods, in conjunction with the regularity of deliveries, would have a greater impact on neighbours' living conditions than other types of deliveries to domestic addresses.
15. Concern has been raised over noise from a forklift truck used on the premises for loading and unloading vehicles. There was no forklift truck on site at the time of my site visit and I note that this has now been dispensed with and replaced with a new trailer which has a lifting facility. This does not, however, overcome my concerns outlined above.

Conclusion

16. I have had regard to all matters raised, including the Framework's support for flexible working, such as the integration of residential and commercial uses. However, I must have regard to the Framework as a whole, and I find that the conflict with the requirement for development to secure a good standard of amenity for all existing occupants of buildings overrides this. Therefore, for the reasons I have set out, the appeal is dismissed.

Hayley Butcher

INSPECTOR