



Appeal Decision

Site visit made on 2 August 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2022

Appeal Ref: APP/B3030/W/22/3294512

**Midland Feeds, Staunton Industrial Estate, Alverton Road,
Staunton In The Vale NG13 9QB**

- 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 Pete Norris, Pete Norris Ltd, Midlands Feeds Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02386/FULM, dated 8 November 2021, was refused by notice dated 19 January 2022.
 - The development proposed is described on the application form as the 'Erection of commercial storage units and erection of new office with associated parking'.
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Decision

1. The appeal is allowed and planning permission is granted for the Erection of commercial storage units and erection of new office with associated parking at Midland Feeds, Staunton Industrial Estate, Alverton Road, Staunton In The Vale NG13 9QB in accordance with the terms of the application, Ref 21/02386/FULM, dated 8 November 2021, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is whether the proposal is consistent with the objectives of local and national policy with regards to the location of employment development.

Reasons

3. The appeal site is located adjacent to an established industrial estate approximately 750 metres north west of Staunton In The Vale. Immediately to the west of the site is the JP Concrete company, which is run from a number of large buildings, and incorporates outside storage facilities that reach up to, and in some instances overlap, the appeal site. Beyond the JP operation there are a number of large buildings that have been subdivided to accommodate a range of industrial and storage uses, including some operated by Midland Feeds. A recently erected chicken farm lies to the north and several agricultural barns occupy land immediately to the south. Notwithstanding the wide range of uses that operate from the industrial estate, and the surrounding land, both parties agree that the appeal site is located within open countryside.
4. The proposal is for the erection of a storage building and an office having a gross internal floor area of 1172.3 sqm, on a site of 1.0327 ha, according to

the application form. Consequently, the proposed development is, by definition, major development¹.

5. Spatial Policy 3 of the Newark and Sherwood Local Development Framework Core Strategy & Allocations - Amended Core Strategy (ACS), adopted March 2019, supports the rural economy. It sets the criteria against which new development, outside principal villages, will be considered, and makes specific reference to location, scale, need, impact and character. Insofar as rural diversification and rural uses are concerned, there is an expectation that proposals should be complimentary and proportionate to the existing business in terms of their nature and scale. It is supplemented by Policy DM8 of the adopted Allocations and Development Management Development Plan Document (DPD), which supports small scale employment development where it can be demonstrated that there is a need for a rural location and there would be an ongoing contribution to local employment.
6. In this regard I find that the proposed development would not be 'small scale'. Furthermore, it would extend beyond the boundaries of the existing industrial estate. That said, the appellant has provided reasons as to why development in this rural location should be allowed. In particular they assert that the proposed development would be complementary to their existing business operation on the industrial estate and would provide a link to the cattle production that takes place on land immediately to the south. Moreover, contrary to the opinion of the Council, they claim that the proposed development would be proportionate to their existing operation.
7. I accept that there would be benefits to the appellants in consolidating their operation onto the industrial estate, with easy access to cattle, which would provide an opportunity to test their products. Consequently, the need for a rural location, such as that provided by the appeal site, weighs in favour of the proposal.
8. I note the alternative methods used by the main parties to assess the extent to which the proposed development would be proportionate. In this regard I find that both approaches could be considered appropriate. However, in the absence of a clear definition as to what is meant, I am required to make my own judgement on this matter. In this regard, I find that the proposed development would be proportionate when considered in relation to the floorspace of the appellant's current operation, and the area of the existing industrial estate when taken as a whole.
9. I have also taken into account the availability of alternative locations. That said, I have no compelling evidence before me to indicate that other sites, including those suggested by the Council, would be suitable, or available, to meet the particular needs of the appellant. Indeed, evidence provided by the appellants would indicate that they do not meet their requirements. In this regard, I was also able to confirm, on my site visit, that all of the other properties on the industrial estate were occupied and therefore the opportunity to use an existing building in the immediate locality was not available.
10. The proposed development would provide employment in a rural location. Whilst there may not be a net gain in overall employment, as a consequence of staff transferring from existing locations, the proposed development would help

¹ Glossary to National Planning Policy Framework

to sustain the local rural economy. It would also provide short term benefits to the local economy during the construction of the proposed development.

11. I also note that, based on the evidence provided by the appellants, the staff that would be likely to be transferred already reside in the local area. However, I accept that there is no certainty that that situation would continue to be the case in the future.
12. Taking the above matters together, I find that evidence that has been provided to support the proposed development, outweighs any harm that would result from its scale and rural location. Consequently, the proposed development complies with Spatial Policy 3 and Core Policy 6 of the ACS and Policy DM8 of the DPD. These policies jointly seek, amongst other matters, to support the rural economy where it can be demonstrated that there is a need for a rural location, and there would be an ongoing contribution to local employment. They are consistent with paragraph 84 of the National Planning Policy Framework which supports, amongst other matters, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, and the development and diversification of agricultural and other land-based rural businesses.

Other Matters

13. In the absence of evidence, the Council has been unable to confirm that the grade of the agricultural land or quantify the impact of its loss. That said, I note that the land was restored from a previous quarry use and lies directly adjacent to an existing industrial estate. Moreover, on my site visit, I noted that outside storage, arising from the adjacent concrete works, was taking place on the site. Consequently, I agree with the Council that it is questionable that the land would be actively farmed in the future.
14. The existing industrial estate is set some distance away from Alverton Road and is screened to a degree by existing vegetation. There are also other farm buildings within the locality including the cattle barns and the chicken farm. Whilst the proposed development would be closer to the public highway than existing industrial activity it would, nonetheless, be seen against a backdrop of the existing buildings, including the J P Concrete works. Additional landscaping within the confines of the proposed development would further ameliorate any visual impact and could be secured by an appropriately worded condition. As a result, I find that the proposed development would not have a significant adverse visual impact on the landscape.
15. The Council indicate that sufficient car parking would be provided for a storage and office use, even if an element of ancillary retail use were to be provided. Furthermore, they accept that the proposed development would be unlikely to result in overspill parking that would impact the highway. Therefore, subject to an appropriately worded condition requiring the provision of the parking as shown on the submitted drawing, I agree with the Council on this matter.
16. The Lead Local Flood Authority have confirmed that they have no objections to the proposed development, and I have no reason to disagree with them on this matter.
17. I note that the Council has assessed the proposal against Natural England Standing Advice and have concluded that the appraisal undertaken by the

Appellant is fair, appropriate and in accordance with the development plan. The recommendations of the appraisal support the provision of high quality foraging opportunities for locally present bat and bird species, which can be secured via a suitably worded planning condition.

Conditions

18. I have had regard to the conditions that were included in the report to the Planning Committee on 18 January 2022, as referred to in paragraph 7.1 of the Council's appeal statement.
19. I have imposed a condition to specify the relevant drawings as this provides certainty.
20. A condition relating to materials is necessary to ensure a high quality design that is sensitive to the surrounding context.
21. Conditions are required to ensure that a landscaping scheme is submitted, agreed and implemented in a timely manner.
22. A condition that ensures that the development is delivered in accordance with the sustainable drainage strategy is necessary.
23. A condition requiring the provision of parking and its retention for parking purposes thereafter is considered necessary.
24. I note the Council's request for a HGV routing plan as a condition. However, I find that the imposition of such a condition would be unreasonable in the absence of compelling evidence of potential adverse impacts, and information relating to restrictions imposed on other businesses that operate from the industrial estate. In any event this is a matter relating to the operation of public roads which can be managed using other legislation should the need arise.
25. Conditions are necessary to ensure that the proposed development contributes towards the enhancement of ecological conditions in the locality.
26. A condition is required to provide certainty with respect to the use the permitted buildings can be used for.
27. Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. Furthermore, a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company². Consequently, I will not impose a condition limiting the use of the proposed development to Pete Norris Ltd/Midland Feeds.

² PPG paragraph 21a-015-20140306

Conclusion

28. There are no relevant considerations, of sufficient weight, to indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to the conditions set out below.

John Gunn

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in accordance with the following approved plans:
 - General arrangement, feed store 2 plans, elevations, sections, drawing no. 8952-CPMG-ooZZ-DR-A-2011 P02
 - General Arrangement, office plans, elevations, sections, drawing no. 8952-CPMG-oo-ZZ-DRA-2012 P01
 - General Arrangement external works, location plan, 8952-CPMG-oo-ZZ-DR-A-7001 P03
 - General Arrangement external works, proposed site plan, 8952-CPMG-oo-ZZ-DR-A-7010 P02
 - General arrangement drawings Plans and Elevations (weighbridge) drawing no. CPMG-00- ZZ-DR-A-2013 Rev P1
3. The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.
4. Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
 - proposed finished ground levels or contours;
 - any means of enclosure;
 - car parking layouts and materials and other hard surface materials; and
 - other vehicle and pedestrian access and circulation areas.
5. The approved soft landscaping shall be completed during the first planting season following the first occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-Balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.
6. The development hereby approved shall be carried out in accordance with the details contained within the Flood Risk Assessment and Drainage Strategy dated 12 March 2021 by BSP Consulting.

7. No part of the development hereby permitted shall be brought into use until the parking areas shown on the drawing 'General Arrangement external works' reference 8952-CPMG-oo-ZZ-DR-A7010 P02 are constructed in accordance with details agreed as part of Condition 4 of this permission and they are made available for parking. The provided parking shall be kept available for parking at all times and retained for the lifetime of the development.
8. No part of the development hereby approved shall be brought into use until an Ecological Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall build upon the recommendations set out in the Ecological Appraisal, by FPCR, dated December 2020, which formed part of the application, and set out details of how this will be managed. The approved enhancement measures shall be implemented on site prior to first occupation or to an alternative timetable embedded within the scheme and shall thereafter be retained for the lifetime of the development.
9. Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution for nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details, and the measures to reduce overspill and light pollution retained for the lifetime of the development.
10. The buildings hereby approved shall be used for offices and storage/distribution uses and for no other purpose, including any other use falling within class B1(a) and B8 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or in any provision equivalent to that Class or Order, or in any statutory instrument revoking and re-enacting that Order with or without modification).

END OF SCHEDULE