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17 January 2017

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Dear Sirs

VARIATION OF CONDITION 3 OF PLANNING APPROVAL H01-0023-12 APPROVED 5 APRIL 2012 PROPOSED GARAGE/IMPLEMENT STORE (FOR DOMESTIC PURPOSES) AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL
104 BARRIER BANK, COWBIT, SPALDING, PE12 6QA

Introduction

This planning application is submitted following correspondence and discussions between Ms K Bellamy of SHDC and Mr Hicks to vary Condition 3 attached to the above planning approval which requires that:-

> *C3 – the building shall be used only for ancillary domestic uses in connection with the residential occupation of number 104 barrier bank only, and for no other purpose (such as commercial uses).*

The reason for the condition was:-

> *To ensure that the Local Planning Authority maintains control over the future use of the building in the interests of local residential amenities.*

The key issue in relation to the application arising from the reasoning for the imposition of the condition in the first place clearly relates to whether or not there is an "adverse impact" giving rise to "actual or material harm" on "residential amenity" as a result of commercial activity. This application addresses those issues by looking at the nature of the activity and the local context.

Background

The applicant, Mr Hicks, runs a marquee hire business (Manor Marquees) from his home which necessitates the requirement for on-site storage for his marquees including canvases and aluminium framing.

He is the sole proprietor and does not employ site based staff.

He employs casual staff, only one of whom attends the site on an occasional basis between May and October. Other staff for marquee erection are contract hired and are delivered to and collected from the marquee venue.

Offices also at:
Peterborough
(Building Surveying)
01733 233445
Huntingdon
(General Enquiries)
01480 451578
Huntingdon
(Accounts/Management)
01480 415722
Cambridge
01223 467155
Bury St Edmunds
01284 702655

Registration Number 2566342.
Barker Storey Matthews is a trading name of BSMH Limited.

The core business is small marquees for family occasions, e.g. weddings and garden parties.

Chairs and tables and other paraphernalia associated with the marquee hire is not kept on the site.

Mr Hicks has two vehicles used in association with the marquee hire, one Mercedes 1.5 ton pickup and a Land Rover.

Generally there is only one out trip between 9.30/10am and the return trip is generally early evening and these do not leave the site everyday as often hire spans a number of days.

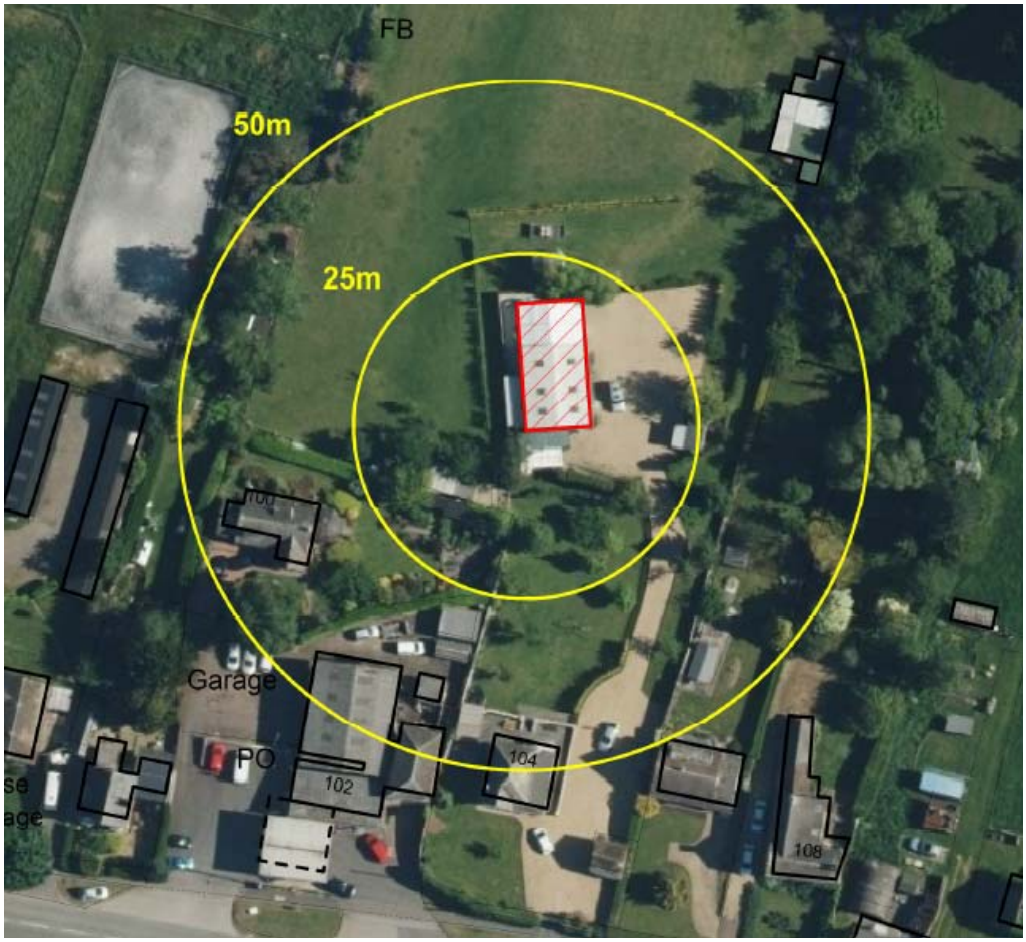
The marquees are not hired out every day even in the summer and thus the frequency of vehicles entering and leaving the site to deliver and collect marquees is intermittent with no activity during the autumn and winter months with the majority of hires taking place during the summer as outlined above.

The application building was constructed as a domestic garage and for domestic storage purposes and is now used ostensibly for commercial storage purposes.

The business is associated with his house the site is well maintained and presented.

There is good separation distance between the building and the nearest residential property, number 100 Barrier Bank, which is located to the south west at the rear of the garage / village shop at 102. It is approximately 32m away, screened by intervening landscaping both to the western boundary of Mr Hicks site and further trees and hedges between the site and that property.

The next adjacent dwellings are over 50m away, again screened by intervening landscaping as can be seen on the aerial photograph on the next page.



The openings to the building are in the eastern elevation on the other side of the building from the next nearest residential property.

As can be seen from the photographs below the landscape boundaries to the site minimise its visual impact from outside the site and help the building become assimilated into the landscape.

The access way within the site provides sufficient room for vehicles to pass should there ever be an occasion when a vehicle moving towards the back of the site is confronted by a vehicle leaving from the rear of the site.

The site and the circulation space provided is also sufficient to enable all vehicles to enter and leave the site from and to the public highway in a forward gear.

Planning Policy

Both National and Local Planning Policy encourages sustainable development and economic development a strand of sustainable development is encouragement to home working and the creation of employment opportunity in rural areas.

The National Planning Policy Framework 2012 at para 21 indicates that Local Planning Authorities should:-

> ● *facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.*

At para 28 it states that:-

> *Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*
>
> ● *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.*

In this instance we are considering low key employment use for a small established enterprise in a rural location.

At para 70 LPA's are advised to promote Healthy Communities

> ● *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

In this instance the proposal integrates an economic use having regard to the location of housing.

The councils development plan and in particular the emerging Local Plan acknowledges the desirability, through its sustainability appraisal, of promoting employment development in rural areas.

This is an example of home working in a rural area.

Conclusion

Vehicle movements to and from the subject building are few and far between and do not give rise to a traffic hazard or give rise to unacceptable noise given the low intensity of use, nature of traffic and traffic generation.

The proposal is consistent with planning policy that seeks to promote rural employment opportunity and the use is so infrequent and low key that it has no adverse impact on residential amenity.

Mr Hick's business is infrequent in terms of the need to leave the site to deliver and collect marquees and thus working from home and having a storage facility 'at the bottom of the garden' means that he administer and run the business from the house and can undertake the necessary checks and repairs on the hire equipment without effectively leaving the property thus reducing his carbon footprint.

The operation of this use has demonstrated that it can be carried out without detrimental effect and therefore the condition can be removed and substituted with one that relates either to the specific use as marquee storage or is personal to Mr Hicks

Final Remarks

I trust that the material enclosed with this application is sufficient for your purposes however, should you require any additional information or wish to meet either on site or at your offices to discuss any aspect of the proposal please do not hesitate to contact me at your earliest convenience.

We hope that officers and the council will be able to support this proposal and grant planning approval with such conditions as may be considered necessary.

Yours sincerely



JOHN S DADGE Dip TP MRTPI
BARKER STOREY MATTHEWS







