The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-878927
Switchboard 0272-878000
Fax No 0272-878769
GTN 1374

Peter Frost & Co
Solicitors
1 London Road
SPALDING
Lincolnshire
PE11 2DH

Your Ref: RHB/HS
Our Ref: T/APP/A2525/A/94/237486/P2
Date: 19 JUL 1994

S.H.D.C. PLANNING DEPT. RECEIVED 20 JUL 1994

KW what is enforcement position? 21/7

DR

Dear Sirs

cop: DPBCS ✓

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR P J BATES
APPLICATION NO: H04/1018/93

cop: HC, PH, OR, DPBCS ✓

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the South Holland District Council to refuse planning permission in respect of an application for the use of land for the parking of a tractor unit but no trailer at the rear of 29 Northorpe Road, Donington. I have considered the written representations made by you and by the Council and also those made by interested persons, including those representations made directly to the Council which have been forwarded to me. I inspected the site on 12 July 1994.

2. This use has already commenced. A personal permission was granted in 1987 for the parking of a lorry at this site but that was only for a two year period. This application was therefore made under Section 73A of the Town and Country Planning Act 1990 for the continuation of this use and I have considered the appeal accordingly.

3. From my inspection of the site and the surrounding area and from the representations made, I consider the main issues in this appeal to be the effect of this use firstly, upon the living conditions of the occupants of 27 Northorpe Road, with particular regard to noise and disturbance, and secondly, upon highway safety from use of the access on to Northorpe Road.

4. The Council have not referred to any development plan policies applicable to this case. The site lies within the rear garden of your client's bungalow and is screened from it by a tall conifer hedge. The access drive passes alongside the boundary with No 27 and close to this 2-storey house. The parking area is beyond its rear boundary which is defined by a timber panel fence about 1.8m high. Because of the restricted dimensions of the parking area, the vehicle is reversed along the drive up to it but leaves the site in forward gear. I saw that Northorpe Road is in a predominantly residential area and that the road is subject to a 30 mph limit. It was not heavily trafficked at the time of my visit.

5. The Council's Environmental Officer has monitored noise levels from the tractor unit and has advised that disturbance would be likely at unsocial hours. You say that your client usually leaves the site between 0800 hours and 1200 hours and returns about 12 hours later, which is between 2000 hours and midnight. I heard the sound of the vehicle during my visit and whilst this activity might not be so significant during the day, it inevitably becomes more apparent during quieter evening hours and late at night when there would also be some impact from vehicle lights shining on windows. In my view, this noise and disturbance would be unacceptably harmful to the reasonably expected living conditions of the occupants of No 27 at these hours and constitutes a compelling reason by itself for resisting this appeal.

6. Turning to the second main issue, the Highway Authority consider visibility at the access on to Northorpe Road to be unacceptably restricted. Whilst there is only a verge on this side of the road and the boundary hedge is high, visibility for an emerging driver is significantly better from a tractor unit than it is from a car. Pedestrians would be likely to use the footway on the opposite side of the road and the height of the hedge could be reduced. Having regard to the nature of Northorpe Road, I do not therefore consider that use of this access in these circumstances is so hazardous as to justify resisting this appeal on these grounds alone.

7. Whilst your client would be willing to provide a turning area within the site, I do not consider that this would be sufficient to reduce this harm to an acceptable level. I have also considered whether reasonable conditions could be framed which would enable permission to be granted. However, it is my view that the overriding objection to the acceptability of this use is its operation at unsocial hours and this could not be overcome by the imposition of conditions without adversely affecting your client's work patterns. Any suitable condition would therefore fail the test of reasonableness in Circular 1/85 and this appeal must also fail.

8. I have considered all the other matters raised in the written representations, including the history of the site, the other sites referred to and the support from other neighbours. However, I find nothing which outweighs the main considerations that lead me to my decision in this case.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

F M CHERINGTON DipURP MRTPI ARICS MBEng MIAS
Inspector

SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H04/1018/93 Received:18-NOV-93 Type:FULL

Name: Peter Bates
29 Northorpe Road
Donington
Spalding
Lincs PE11 4XU

Agent: Peter Frost & Co
Solicitors
1 London Road
Spalding
Lincs PE11 2DH

Description: Use of land for the parking of a tractor unit for one lorry but no trailer
Location : 29 Northorpe Road Donington
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 In the opinion of the Local Planning Authority, the continued operations of a heavy goods vehicle from the site would result in serious detriment to the residential amenities of nearby dwellings because of noise and disturbance caused by the vehicle entering, leaving and manoeuvring within the site.

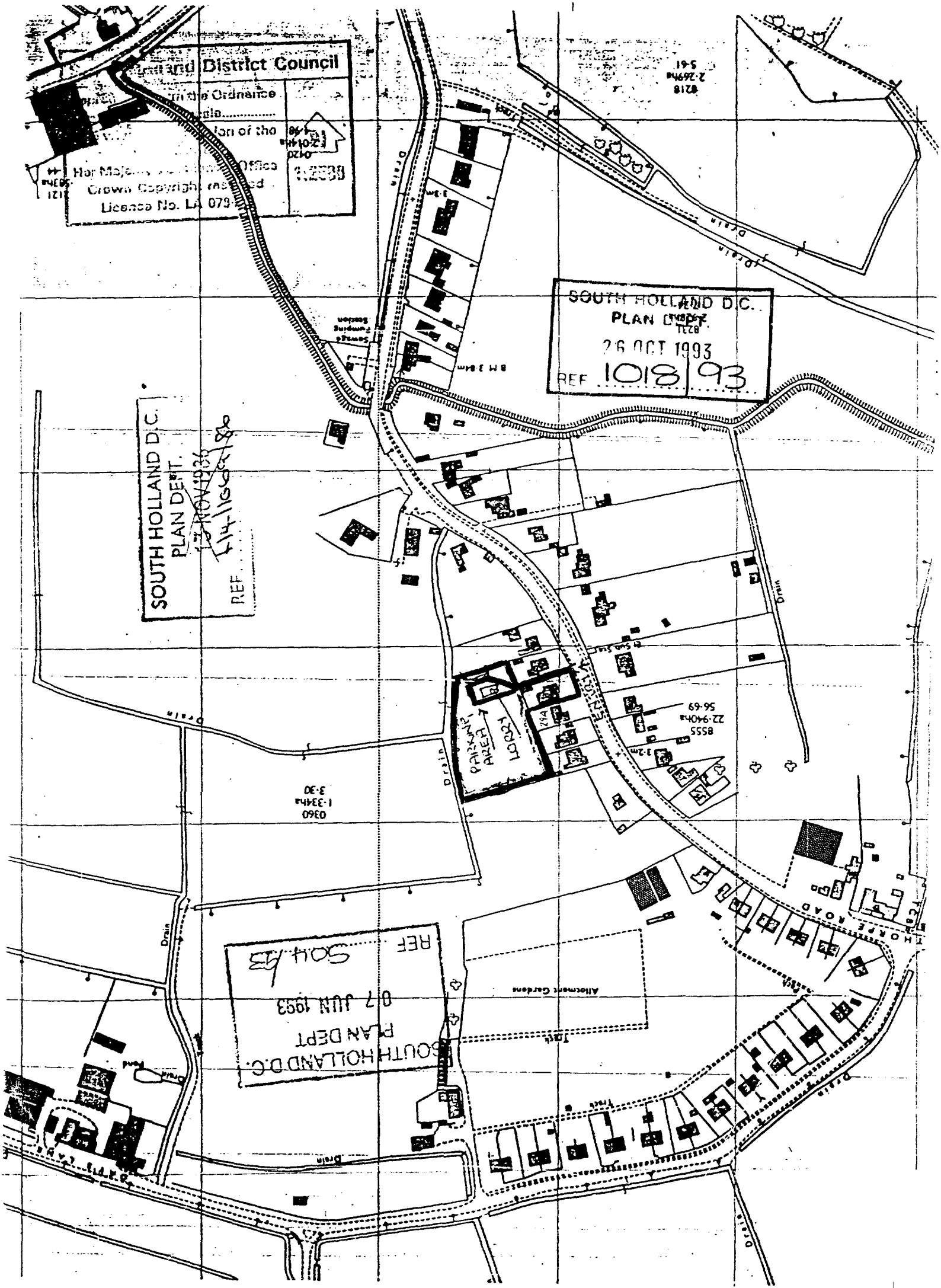
2 The site is served by an access, onto Northorpe Road, which has inadequate visibility. The proposal, if permitted, would involve the movement of an HGV tractor unit out of this access with inadequate vision of oncoming traffic to the detriment of highway safety.

Director of Planning and Building Control Services
03-MAR-94 H04/1018/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)


SOUTH HOLLAND D.C.
PLAN DEPT.
26 OCT 1993
REF 1018/93
SOUTH HOLLAND D.C.
PLAN DEPT.
REF
SOUTH HOLLAND D.C.
PLAN DEPT
07 JUN 1993
REF
Crown Copyright reserved
Licence No. LA 079
Drain
Allotment Gardens
Track