The Planning Inspectorate

Appeal Decision

Site visit made on 8 January 2019

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2019

Appeal Ref: APP/A2525/W/18/3205806
Terry Rudd Motorcycles Barrington, 43 Fen Road, Holbeach, Spalding PE12 8QD.

- 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 Mrs Michelle Tugwell against the decision of South Holland District Council.
- The application Ref H09-0235-18, dated 6 March 2018, was refused by notice dated 27 April 2018.
- The development proposed is described as "Change of use from B1 (Business) to D2 (Assembly/Leisure). No building works to be taking place outside the premises. Internal work short term to update the premise to a gym."

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal would be in a suitable location, having particular regard to the development plan and the effect of the proposed development on access and highway safety.

Reasons

3. The appeal site is located approximately 200 metres from the edge of Holbeach's built-up area and some 1.3 miles from the town centre of Holbeach. It lies off a relatively narrow and winding road at national speed limit. There is no public transport provision serving the site. It is adjacent to an existing detached house and business to the north and a further large detached house at Tudor Lodge to the south. There are no streetlights or footpaths beyond the built-up edge of Holbeach. Beyond a deep ditch at the roadside opposite the appeal site, there are agricultural fields. There are also fields to the rear of the site. It is located outside Holbeach's defined settlement boundaries as set out in the South Holland Local Plan 2006 (SHLP). For the purposes of the SHLP, it is therefore within the open countryside.

4. SHLP policy SG4 indicates that planning permission will only be granted for development in the open countryside which is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits. The appellant has provided information on 4 alternative sites which were viewed for the proposed development during the last year. These sites were too small or had lease or drainage issues. Additionally, the appellant has referred to 5 other gym or dance businesses operating locally with members

travelling from different locations and varying levels of parking and public transport accessibility. Based on the limited evidence before me, the constraints of these sites and their planning status are not sufficient to indicate that it is necessary for the proposed development to be located at the appeal site within the open countryside or that there are no suitable alternative sites for the gym within the locality.

5. I understand that the appeal site lies within the proposed settlement boundary for Holbeach in the South East Lincolnshire Local Plan (SELLP) (Publication Version, March 2017) due to its proximity to the Ashwood Homes site which was granted outline planning permission for up to 900 dwellings in 2016. However, the SELLP is currently at examination and has not yet been adopted. Therefore the weight to be given to the SELLP is limited at this time. Furthermore, I observed from my site visit that the Ashwood Homes development is not yet in place. I cannot be certain that this development will come forward. I therefore afford this planning permission limited weight. In any event, the Council has confirmed that the footpaths proposed for the approved development would not extend to the appeal site.

6. Given the appeal site's location outside Holbeach, the lack of pavements and street lighting along a relatively busy road with limited verges and deep ditches, it is not likely that the proposed development's future users or staff would easily and safely access the proposed development on foot, by bicycle, or by public transport. As such, there is likely to be an overall reliance on the private car regardless of the distances involved. This would be even more likely in hours of darkness or during inclement weather. This would result in negative environmental effects in terms of the use of natural resources and carbon emissions and negative social effects in terms of accessible local services.

7. The appellant has stated that the majority of gym members would be local. While I have no reason to doubt this, short trips by car would also have negative environmental effects. Though I acknowledge that a gym on the site would be likely to gain some future members from households living at the approved Ashwood Homes development nearby, that permission has not yet been implemented.

8. The data on parking spaces and estimated numbers of members using the proposed development at peak times has fluctuated during the lifetime of the application and subsequent appeal. The appellant's statement confirms that the appeal site would accommodate 27 car parking spaces for both staff and gym users. The appellant's usage schedule also confirms that between 30 and 45 members could attend the gym at peak times between 5pm and 8pm Mondays to Fridays. There would be approximately 4 staff in total. It is not clear whether all 4 members of staff would be on site at any one time.

9. The Highways Authority has indicated that the evidence does not demonstrate that adequate space would be available within the site to accommodate car parking during peak times. I concur with this view. Given the lack of public transport options and the challenges of walking or cycling to and from the site, I consider that the likely shortfall in parking spaces at peak times would result in the parking of vehicles along the adjacent carriageway and limited verges. This would have a detrimental effect on pedestrian and highway safety close to the site as it would impinge on visibility and vehicle movements.

10. The gym would offer a range of different services and tiers of membership suitable for members' varying needs, would involve local young people, would hold events relating to nutrition and fitness, and would develop a relationship with local GP services to assist in addressing obesity and rehabilitation. I recognise the improvements to physical and mental health and well-being that exercise and social involvement in a gym family can bring. However, these benefits could be brought about by a gym in a location within defined settlement limits and in a more accessible location.

11. The proposed development has received support from the Council's Economic Development Officer, the Parish Council and a ward councillor given the re-use of a building, the creation of jobs, and provision of a service providing healthy activity to the local community. These benefits do not outweigh the concerns expressed above. Although I note the objections relating to noise, opening hours, and waste storage, I have not addressed these matters in any detail as I am dismissing the appeal for other reasons.

12. In conclusion, the proposed development would not be in a suitable location, having particular regard to the development plan and the effect of the proposed development on access and highway safety. It would fail to comply with SHLP policies SG1, SG2, SG4, SG14 and SG15. Policy SG1, amongst other things, requires development to be consistent with sustainable development principles, including conserving energy and the environment. Policy SG2 sets out a sequential approach for development, and amongst other things, states that, where possible, development should be served by a choice of transport modes, with acceptable traffic generation and road safety. Policy SG4 is outlined above. Meanwhile, policy SG14 addresses the design and layout of development, including parking and manoeuvring facilities and provision for cyclists and pedestrians, while policy SG15 seeks to ensure that development provides safe and convenient access for a range of users. It would also conflict with the requirements of paragraphs 108 and 109 of the National Planning Policy Framework in relation to achieving safe and suitable access for all users and its unacceptable impact on highway safety.

Conclusion

13. For the reasons set out above, the appeal is dismissed.

J Gilbert

INSPECTOR