

BR



Department of the Environment and Department of Transport

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GYN 2074

Sc

Messrs Ward Gethin
11/12 Tuesday Market Place
KING'S LYNN
Norfolk
PE30 1JT

Your reference
APP/R4216

Our reference
T/APP/V2635/A/87/71072/P3

Date

19 APR 88

Gentlemen

B.U.

DISTRICT PLANNING OFFICE
RECEIVED
22 APR 1988

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 5
APPEAL BY MESSRS C E AND L A APPLETON
APPLICATION NO: 2/86/3635/CD/F

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the King's Lynn and West Norfolk Borough Council, to refuse planning permission for the use for the winter occupation of showmen's caravans, and the storage of equipment lorries and trailers, of land off Edna Street, King's Lynn. I held a local inquiry into the appeal on 19 January 1988 and made a site inspection on 20 January 1988.

2. From the evidence and submissions, the written representations, and what I saw on my visit to the site and surroundings, I consider the case turns mainly on whether the proposal would bring about an unacceptable road safety hazard, or significant loss of amenity for neighbouring residents. If there should be no overwhelming site-specific objection I would then have to go on to consider whether it would be proper to override the approved Town Map allocation of the site as public open space, by permitting the proposed development.

3. The site is an irregularly shaped area of open land. It is within the urban core of King's Lynn, lying between the council estate of North Lynn to the north and the linked areas of Victorian grid pattern development and adjoining municipal housing to the south. It is however part of a larger area of open land, with some sporadic buildings, the whole generally of rather neglected appearance, where allotment uses predominate, with both cropping and small scale stock rearing, but also with a mixture of minor industrial activities including the open storage of builders' materials. There is also currently, at the northern end of Cresswell Street and just west of the site, a similar use to that proposed, if on a somewhat smaller scale, where planning consent has been granted for a bungalow and I noted on inspection that in accordance with the relevant consent a caravan and showmen's equipment have been stationed on the curtilage land.

4. Vehicular access to the site is by way of a track surfaced with seashells connecting to the adopted highway system at the northern end of Edna Street. This is a street some 5 m in width linking residential development to Loke Road, part of the town's main traffic circulation system. The junction of the track with Edna Street is some 130 m distant from Loke Road and over that distance, apart from a short length opposite the junction, there are flank frontages only of the dwellings fronting adjoining streets. Loke Road is flanked by terraces of dwellings, and some local shops, but is a relatively wide road serving also as a link just north of the town centre one way system between 2 radial routes into and through the town, the A1078 and A148 principal roads.

5. In the light of these factors, the evidence for the county council, as highway authority, was that the vehicular movements generated by the proposal would be an undue traffic hazard. It was stressed that the undoubted lack of off-street facilities in the area leads to considerable kerbside parking which in turn results in a hazardous traffic situation which the proposal would exacerbate. The accident record on Loke Road over a recent 3 year period was put to me in evidence, and this was described by the relevant witness as average in the circumstances. The view was also put that the access track would be inadequate to serve the proposed development, being insubstantially surfaced and having a width overall of 3.6 m but with a driving surface some 2.7 m wide.

6. It became apparent to me that the witness's concern as to highway safety was based to some extent on his apprehension of a greater volume of traffic movements than the evidence for the appellants indicated as likely to take place. I found that evidence reliable, and indeed it was not appreciably challenged for the council. The evidence was that caravans, vehicles and equipment would arrive on-site towards the end of the touring season in mid November and would remain there until their departure together in February at the start of the season, marked by the noted King's Lynn Mart. In the meantime there would only be the usual domestic movements of the 4 cars used by the members of the appellants' family unit of some 12-14 adults. On that basis I would not regard the annual arrival and departure of the admittedly lengthy units of lorry, equipment trailer and caravan as a real road safety hazard. In the context of traffic movements in the vicinity of the site this would be an unusual event, consequently attended by a degree of caution on the part of other road users, and I accept that the skill and experience developed by the drivers of these combinations would minimise such risks as might otherwise be involved in these manoeuvres.

7. As to the daily generation of car movements, I would not regard this as a material factor. The proportionate increase in traffic on Loke Road would be minimal, and although more significant in relation to traffic along Edna Street would not in my view be a source of undue danger there. I accept that there is likely to be some parking on Edna Street, but for most of its length it has no directly fronting dwellings and parking is therefore likely to be only in the nature of an overflow from adjoining streets. Only a short length of road is involved, and I do not consider the situation so hazardous that 4 more cars should not be permitted to use that length of road.

8. It was suggested to me that if the proposal were to be permitted an expansion of activities might later follow on the site, such as to produce even more traffic movements, but I do not consider this a factor of significance in deciding the issue. The application specified maximum number of vehicles, and indeed those figures were revised downwards at the inquiry, and the essence of the use proposed is for winter storage. I do not consider it likely therefore that any change could be made beyond what is proposed which would be likely to have such an effect, consistently with the terms of the permission sought.

9. The surface of the access track might well sustain some damage if used by increased vehicular traffic without some strengthening, but although there are other users it appears to play no critical part in any traffic circulation system. In those circumstances planning control appears to me excessive as a means either of preventing its use by the traffic of the proposed development, or for regulating the ensuing repairing responsibilities. Certain of the interested persons were concerned as to this aspect of the appeal, but my view of it is that it could properly be left to the appellants to do whatever maintenance or strengthening work is necessary to facilitate the passage of their vehicles, failing which there are other remedies available to dissatisfied parties who have rights over the access.

10. I have considered the council's objection to the proposal on the ground of loss of neighbour amenities, but I found this not well articulated, and unconvincing. The movement of heavy vehicles through the adjoining residential area would be an exceptional event, and I do not consider that the proposed use would have an adverse impact on neighbours. I visited the appellants' current winter quarters in King's Lynn and found them to be maintained in a tidy and neighbourly condition. That accords with the evidence put to me for the appellants that the Showmen's Guild insists on a high standard, partly as a means of ensuring thereby the continuance of the exemption from local authority site licensing control. Maintenance work on the site would be minimal, in view of stringent safety requirements effectively dictating that such work for the most part be carried out by specialist firms at their premises, and there is in any event only one dwelling bordering the site. The occupant of that dwelling expressed his concern to me as to the proposal, but it was put in terms of drainage difficulties not borne out by the expert evidence on that subject as likely to cause a problem with the proposal. As to amenity, my judgement is that what is proposed would lead to an improvement in the appearance of the site, and compare well with the general appearance of its surroundings.

11. I have found no other site-specific objection, and accordingly turn to the question whether effectively the site should continue to be reserved, in accordance with the Town Map allocation, for public open space purposes. I note that a colleague Inspector held, in 1981, in the case of a nearby site, that development should not be permitted pending a clarification of the council's proposals for the area, and I accept that the development plan is a material consideration to which I must have regard. But the Town Map is now aged, dating from 1955, and is currently under review. I am satisfied of the pressing need for the appellants to find new winter quarters, due in part at least to the council's actions as landlords of their current site, and I take due note of the terms of paragraph 12 of Circular 23/83, requesting local authorities to help in the search for sites when necessary, and to phase accordingly any requirement to vacate a site in their ownership. It was also clear to me from the evidence on behalf of the council that open space requirements in the vicinity of the site are in a state of flux, and I therefore balance against an uncertain requirement in a dated Plan a clear present need which I am advised is to be counted a factor of planning significance. In those terms, the latter must prevail at the expense of the Town Map allocation.

12. It was suggested to me that a temporary consent would have the advantage of not prejudicing the local plan anticipated as the outcome of the Town Map review, but I have decided that the circumstances do not justify such an approach. My view is that the site is suitable for the use proposed, and the proposal is likely to be implemented. As I have indicated, I consider that the provision of a facility of this kind is an important element of the area's current planning requirements, and so it seems to me more apt to say that to permit the proposal would obviate the need to find an alternative site within the area under review, and to that extent progress would have been made. It is also the case that necessary investment in the site would be more justifiable with a permanent permission.

13. I have considered all other matters raised, but have found no other obstacle to granting consent in the terms sought, as amended at the inquiry. I have already indicated my view of certain of the conditions suggested as appropriate by the council in this eventuality. As to the remainder, I do not see the need for any condition specifically prohibiting any activity beyond the precise terms of the permission I propose to grant, on the basis that this is a use sui generis, and although drainage works will undoubtedly be necessary a condition dealing with this aspect would appear to be superfluous in the light of other powers available in the event of any default in this respect. I shall incorporate therefore only a time-limit condition in standard form.

14. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the use of land off Edna Street, King's Lynn from the beginning of October in each year until the end of the next following March for the standing and occupation of 10 showmen's caravans, and the standing of 6 equipment lorries and 6 equipment trailers in accordance with the terms of the application No. 2/88/3635/CU/F dated 14 October 1986 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

15. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient servant



J. H. TURNER LLB Solicitor
Inspector

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

Appeal by G.E. Appleton & L.A. Appleton against the
Refusal of Planning Permission by the Borough Council
for the Use of Land for the winter occupation of 15 showmen's caravans
and storage of 8 equipment trailers on
Land at Fairlawn, off Edna Street, King's Lynn, Norfolk

References:

Borough Planning Authority: 2/86/3535/CU/F
Department of the Environment: APP/V2635/A/87/71072

Location Plan: T7 62SW

Scale: 1:10,000

Block Plan:

Copies as submitted

Adrian Parker,
Borough Planning Officer,
King's Court, Chapel Street,
King's Lynn, Norfolk.



