

Appeal Decision

Site visit made on 10 April 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/V4305/W/23/3333432

Compound, Chapel Brook Trade Park, 13 Wilson Road, Huyton L36 6AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Ben Caley of Lock Stock Self Storage Limited against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 23/00300/FUL was approved on 3 July 2023 and planning permission was granted subject to conditions.
 - The development permitted is installation of storage containers to form a self-storage facility together with other associated works.
 - The condition in dispute is No 5, which states that: This permission is for a limited period only. The buildings hereby permitted, and any foundations, buildings, structures, hardstanding, enclosures, ancillary works, or other groundworks associated with the building shall be removed and the land restored to its former condition within 5 years of the date of this permission.
 - The reason given for the condition is: In order to prevent the use becoming permanent and to allow the site to be developed in the future.
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Decision

1. The appeal is allowed and planning permission Ref 23/00300/FUL for the installation of storage containers to form a self-storage facility together with other associated works at Compound, Chapel Brook Trade Park, 13 Wilson Road, Huyton L36 6AW granted 3 July 2023 by Knowsley Metropolitan Borough Council is varied by deleting condition No 5 and replacing it with the following condition:
 - 1) The use and buildings hereby permitted, and any foundations, containers, structures, hardstanding, enclosures, ancillary works, or other groundworks associated with the self-storage facility shall be removed and the land restored to its former condition within 10 years of the date of this permission.

Preliminary Matters

2. The appellant submitted new evidence in their final comments. As the Council did not have opportunity to consider and comment on such evidence, in the interests of fairness, I have not had regard to this additional evidence in reaching my decision.

Background and Main Issue

3. Planning permission has been granted, subject to various conditions, for the self-storage facility, which is now in operation. The condition the subject of this appeal limits the permission to 5 years, to ensure the use does not become permanent. The Council imposed the condition because the approved use would occupy a reasonably large site yet would only generate a limited number

of jobs in an area where there are high levels of unemployment. The appellant considers that a 5 year permission is insufficient given the stated length of their lease and so is seeking to remove the condition or vary it, so it aligns with their stated 10-year lease of the premises.

4. In view of the above, the main issue is whether the condition is reasonable and necessary in order to protect the employment requirements of the area.

Reasons

5. The appeal site is located at a road intersection of Brickfields and Wilson Road within a business park. It is surrounded in all directions by employment development, including manufacturing, warehouse and commercial trade merchant uses. The development scheme has commenced and is in operation, with a number of storage containers and associated structures in place at the time of my visit. As noted from the evidence provided, the site was previously a vacant derelict site containing hardstanding and was last used as a parking area.
6. I observed that the business park is large and appears to have good plot/unit occupancy levels. Also, I appreciate that Knowsley is one of the most deprived areas in the country and so, there is a need to maximise employment opportunities within its employment areas to tackle the economic and social problems in the borough.
7. The introduction text of Policy CS4 of the Knowsley Local Plan Core Strategy (January 2016) (KLPCS) sets out that a key requirement of the Core Strategy is to facilitate employment development in the right location to support the Council's employment priorities. The self-storage container facility is a B8 storage use which is acceptable in such an employment area.
8. Policy CS4 of the KLPCS sets out certain priorities for employment development, including supporting sustainable economic growth, providing sufficient land to meet employment development needs to 2028, and enhancing the quality and efficiency of land within employment areas.
9. The development scheme provides 1.5 full time equivalent jobs, which gives a jobs density ratio of approximately 4.5 jobs per hectare. The typical job density figures for B8 uses such as this contained in the Homes and Communities Agency (HCA) Employment Density Guide, 3rd edition, (Nov 2015) are one job per 70sqm. This is substantially greater than the job density of the development scheme, which equates to some 4.5 jobs per hectare. Consequently, the 1.5 jobs created by the development is well below that typically expected of a B8 storage use on a site of this size. Therefore, this is not an efficient use of employment land.
10. Notwithstanding the above, the development scheme is an acceptable use in an employment area. Furthermore, due to the operational requirements and design of the development, such a use is unlikely to be suitable in many other non-commercial locations, where it may cause harm to the character and appearance of an area and/or the living conditions of nearby residents. It is also inferred that the site was vacant and/or used solely for parking prior to the self-storage use. Therefore, it is unlikely that the previous use of the land would have been closely aligned with the priorities of Policy CS4 of the KLPCS.

11. From my observations, the site as developed for the storage container facility is tidy and well maintained. The dark green colour and low height of the storage containers and fencing means that the structures do not appear unduly prominent, blending in behind the tree lined grass verge along Wilson Road and set against the backdrop of large industrial buildings behind. Accordingly, the development scheme therefore enhances what was a vacant area of hardstanding. The use has, although small, created 1.5 FTE jobs, which provides some job opportunity in the local area for a use that is varied, compared to that of other surrounding employment uses in the estate.
12. The Planning Practice Guidance (PPG) sets out circumstances where a temporary permission may be appropriate, including for the purposes of a trial run where it is needed to assess the effect of the development on an area, or where it is expected the planning circumstances may change. It also advises that a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward.
13. The condition was imposed to prevent the use from becoming permanent and allow the site to be developed in the future. I do not have any substantive evidence to demonstrate that there are any current long-term proposals or an employment strategy in place for the site or wider business park. Also, I have not been provided with any substantive information about how the Council is performing in respect of providing sufficient land to meet employment development needs to 2028.
14. The evidence provided regarding the previous use of the site is very limited with no details of the length of time the site was vacant or used as a car park, the number of jobs the car park use generated, or even whether such a use was lawful or in accordance with any longer term economic plans for the area.
15. The site is a corner plot on a busy main highway route, where statement buildings are encouraged. However, from the evidence provided and my observations, I find the development scheme is an acceptable use and form of development that does not detract from the character and appearance of the local area.
16. On the basis of the evidence before me, whilst the development scheme would not promote the efficient use of land, the addition of 1.5 jobs in an area of high unemployment is better than the previous situation of a vacant site providing no jobs. This therefore weighs in favour of the development scheme, at least on a temporary basis.
17. The Council have advised that should I be minded to allow the appeal, they would accept an amended temporary permission of 10 years instead, which would align with the stated length of the appellant's lease of the premises. I find this would be an appropriate compromise situation, which would meet the needs of the appellant and their business, whilst protecting the Council's ambitions for higher density employment uses. Therefore, an extended temporary use for 10 years would be reasonable and necessary in order to protect the employment requirements of the area.
18. In addition to extending the time-limit for the appeal development, I have amended the wording of the condition so it addresses the use of the land as well as any buildings and structures, and to ensure that facilities and structures

associated with the use are removed in a reasonable time following its cessation.

Conclusion

19. For the reasons given, I conclude that the appeal should succeed and I vary the disputed condition.

C Billings

INSPECTOR