

BEENHAM 13/00343  Pins Ref 2199680	A4 Breakers, Sevenacre Copse, Grange Lane, Beenham A4 Metal Recycling Ltd	Continued use of site for metal recycling and car breaking, erection of facilities building and resurfacing of bridleway	Delegated Refusal	Dismissed 29.11.13
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The main issues were:

- (i) The fallback position that could lawfully exist should the appeal fail

And in light of that, the effects of the proposed development on:

- (ii) The living conditions of nearby residents, particularly in terms of noise and disturbance;
- (iii) Users of the adjacent bridleway;
- (iv) The attributes of the North Wessex Downs Area of Outstanding Natural Beauty, within which the site lies; and
- (v) Local infrastructure, facilities and amenities.

The conclusion reached by the Inspector was that as the site benefited from an existing lawful use as a car breakers site, and as a site identified as a preferred area for waste management and an allocated employment site in the development plan the proposal was broadly consistent with the NPPF and development plan policies.

The inspector considered that although the appeal site benefited from a certificate of lawfulness for car breaking, the introduction of metal recycling operations, and the change in the character of the site and locality that this introduced, resulted in there having been a material change of use at the site to a mixed use of breaking of vehicles and general metal recycling.

The inspector concluded that the level of noise and disturbance generated by the proposal would generate an unacceptable level of harm to the local environment was contrary to planning policies. He also determined that the proposed use was harmful to users of the public right of way in terms of their legitimate enjoyment of the route and in terms of public safety. The inspector found that there would be no significant harm over and above the effects of the lawful use to the landscape and beauty of the AONB, but that there would be harm to the environment in terms of the reduction in the sense of remoteness and tranquillity of the general area and the quiet enjoyment of the AONB.

Overall, and despite the in principle policy position, the inspector concluded that the proposed use was not acceptable in policy terms.

Subsequent to receiving the appeal decision the appellant has submitted a claim to the high court under S288 of the planning acts challenging the decision by the planning inspectorate. This claim is set to be heard on the 27<sup>th</sup> March.