

Planning Appeal ref: APP/X1925/W/25/3368416

Local Planning Authority ref: 25/00975/FP

Land adjacent to Breachwood Green Industrial Park, Pasture Lane, Breachwood Green,
Hertfordshire SG4 8NY

Statement of Case on behalf of North Herts Council



1.0 Introduction

2.0 The appeal site and surroundings

3.0 North Herts Council case

4.0 Summary and conclusions

Appendix A:

Appeal decision at Spicer House Lane, Ingbirchworth, Barnsley S36 7GG

1.0 Introduction

1.1 This statement of case relates to the appeal by CORA Investments Ltd against the decision of North Herts Council to refuse a retrospective planning application for the creation of a car park with 28 spaces to serve the adjacent industrial area.

1.2 The Statement of case may be read in addition to the LPA's delegated officer report a copy of which has already been provided to the Planning Inspectorate as part of the appeal documentation provided by the LPA.

1.3 All of the appeal documents may be inspected on the Council's web site under ref: 25/00975/FP

2.0 The appeal site and surroundings

- 2.1 The appeal site comprises a roughly rectangular shaped piece of land located on the south side of Pasture Lane west of Breachwood Green village. The unauthorised development the subject of this appeal involves the creation of a car park which is approximately 750 sqm (0.075 hectares) in area. The site is within the Green Belt.
- 2.2 The site sits approximately 400 metres south of the Breachwood Green village boundary. It is accessed by Pasture Lane an unclassified rural lane which, south of the village recreation ground, has no footpath or street lighting and is essentially single track with no centre line or other road markings. An image below shows the character of the lane on the approach to the appeal site:



Pasture Lane just north of the appeal site.

- 2.3 Prior to the unauthorised development the appeal site was used as part of an arable field and access to it was via a disused field gate. See image below:



Appeal Site prior to development of car park and widening of access

3.0 North Herts Council's case against the development

3.1 Inappropriate development

3.2 Paragraph 142 of the NPPF states that 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

3.3 Paragraph 153 of the NPPF states: 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

3.4 Paragraph 154 sets out various exceptions to inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These exceptions include at: h) v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) .

3.5 Policy SP5 (Countryside and Green Belt) states at c) that the Council 'Will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated;'

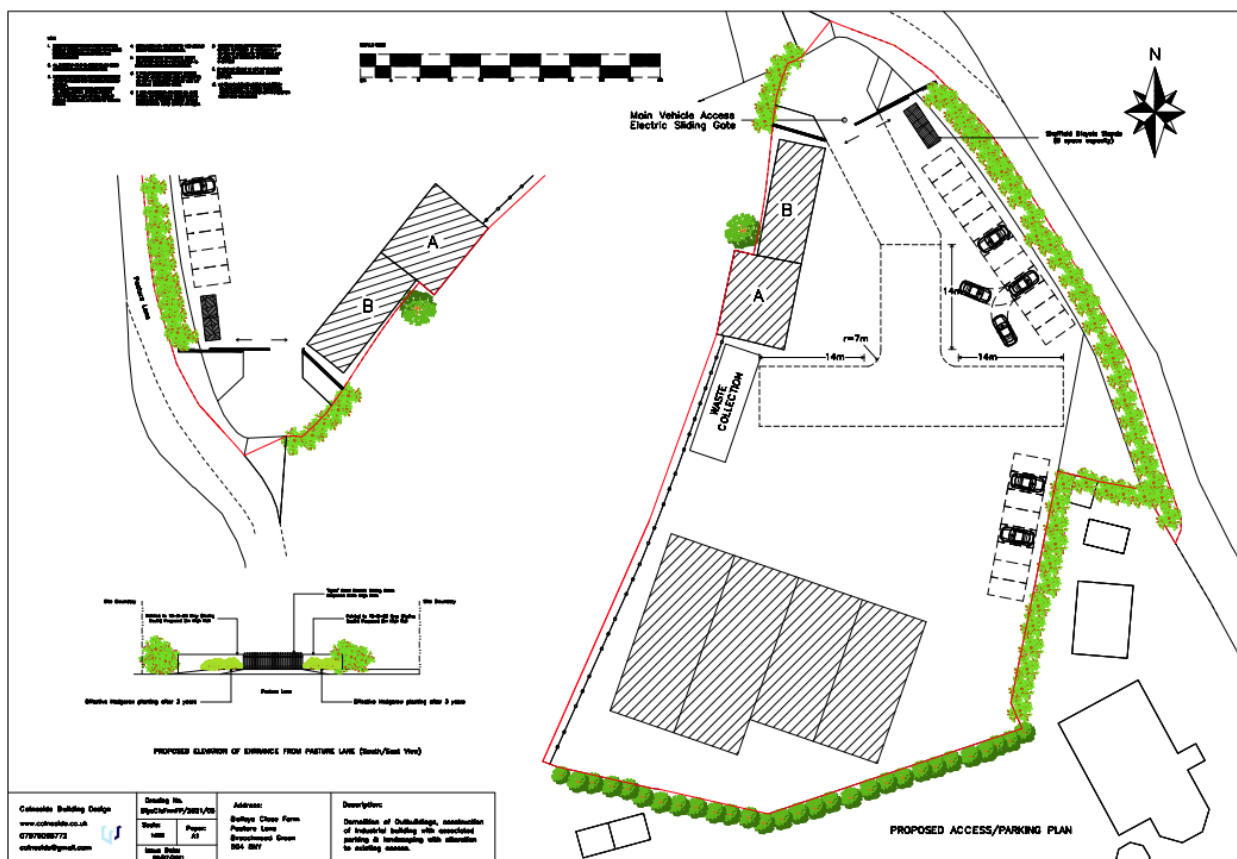
3.6 Prior to the construction of the car park the application site was agricultural land forming part of a larger agricultural field. The applicants supporting statement clearly confirms the former agricultural use at section 6.

3.3 The use of the land for the parking of vehicles has a visual and spatial impact. There are 20 or more vehicles parked on the site for most of the working day (the supporting statement confirming that the car park is in use for 11 hours a day five days a week). Previously the site was open agricultural land and these parked vehicles together with the movement generated has a significant spatial impact on the openness of the Green Belt. The land is also readily visible from Pasture Lane and the nearby footpath Kings Walden 004 located to the west. The parked cars are separated from the nearby small industrial site to which it serves, the entrance to which is located 120 metres to the north west along Pasture Lane. This separation from the industrial site makes the use of the land even more incongruous, disassociated from the industrial site and emphasising its marked effect in reducing its openness.

3.4 There is some screening along the site frontage with Pasture Lane and the submitted site plans show proposed planting areas at either end of the car park however no such planting is possible along the gated entrance which is open during work hours. Even if the gate was closed its field gate appearance would not prevent views into the site. The landscaping areas are in any event small and would not preserve the openness of the

site given its size. The use of the land for parking purposes therefore contravenes the purposes for which the Green Belt serves and the purposes of including land within it, namely, to assist in safeguarding the countryside from encroachment. Whilst the applicant has not put forward a case that the site utilises grey belt, irrespective of whether this is the case, the development does not comply with criteria (b) and (c) of NPPF 155 as it has not been shown that there is a demonstrable unmet need for the development and it is not in a sustainable location. Therefore, the development is inappropriate within the Green Belt.

- 3.5 It is concluded that the development is inappropriate development that is, by definition, harmful to the Green Belt and therefore contrary to national and local policy to protect the Green Belt. This harm carries substantial weight in the planning balance.
- 3.6 Attached at the end of this statement at Appendix A is a copy of an appeal decision at Ingbirchworth, Barnsley. This appeal decision is relevant as it involves a comparable development in the Green Belt being of the same scale and nature as that the subject of this appeal. In the decision the Inspector concluded that the development would not preserve the openness of the Green Belt and as such, would result in inappropriate development in the Green Belt. The proposal would also cause additional harm to the character and appearance of the area. These are the same conclusions that have been reached by North Herts District Council in this case in its refusal of planning permission.
- 3.7 Whether there are any Very Special Circumstances to justify the inappropriate development
- 3.8 As the development is inappropriate in the Green Belt, for the development to comply with Green Belt policy very special circumstances must exist to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The applicants supporting statement states that the car park is necessary to avoid employee cars being parked on nearby highways and in the village. The statement also states that the car park is a local transport infrastructure development necessary to serve the nearby industrial site in accordance with paragraph 154 (h) iii of the NPPF which allows for local infrastructure in the Green Belt where such a location has been demonstrated. The planned expansion of Luton Airport, recently approved by the Government's Transport Secretary, is referred to as a relevant consideration. Essentially the applicants very special circumstances case is that it is better to permit a car park on Green Belt land than for cars to park in local roads
- 3.9 No evidence has been provided to demonstrate that there is not sufficient room for employees to park within the nearby industrial estate. Indeed, the site layout for one of the most recent planning applications on that site (21/02118/FP), by the same applicant company as this appeal, showed a parking area for 20 cars. A copy of the approved parking layout is shown below:



Approved parking layout on adjacent industrial site under planning ref: 21/02118/FP

3.10 Even if there are now limitations to parking availability at the industrial site, that is an operational matter for the owners of that site and no evidence has been provided as to whether the company has considered a Green Travel Plan (to encourage car sharing for example) or what alternative forms of parking provision or methods to improve the amount of on-site parking were investigated prior to developing the car park site remote from the industrial site to the south. It is therefore considered that the very special circumstances case advanced by the applicant are not compelling and insufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harms identified to the openness of the Green Belt and purpose, and character and appearance of the area, as well as highway safety.

3.11 Impact on the character and appearance of the area

3.12 The surrounding land to the application site is predominantly agricultural in character. It is acknowledged that a residential property lies immediately to the west of the car park site however all of the land to the south, north and east of the site for some distance is agricultural with access to these field parcels via rural lanes with hedgerows. The car park development which includes a gravel surface, some lighting columns and a security camera is at odds with this open rural character and contrary to the provisions of Policy SP9 and D1 of the North Herts Local Plan which require new development to be well-designed and located and to respond positively to its local context. The images below show the commercial appearance of the car park which it is argued by the LPA is at odds with the rural context of the area:



View looking west across the appeal site



Entrance to the appeal site



View looking east across the appeal site

3.13 Highway safety and sustainability

- 3.14 Local Plan Policy T1 permits development that would not lead to highway safety problems or cause unacceptable impacts upon the local highway network. The Highway Authority (HA) considers that the car park will generate significant numbers of vehicular trips in the vicinity of the site and will have unacceptable impact on the local highway network in terms of traffic congestion and highway safety. The HA have also expressed concerns over the sustainability of the use.
- 3.15 The planning application includes a visibility sight lines drawing (FUL/25/05) and a vehicle swept path drawing (FUL/25/04). The Highway Authority consider the visibility to be inadequate and the swept path drawing does not account for any commercial vehicles that may use the car park
- 3.16 The appeal site is approached by a narrow rural lane which has no passing places, footpaths or street lighting and there is an almost 90-degree bend in the lane immediately to the west of the site that limits visibility for vehicles entering and leaving the site. In these circumstances it is considered that the concerns of the highway Authority are entirely justified.

- 3.17 Hertfordshire County Council's Local Transport Plan (LTP4 adopted 2018) sets out a transport user hierarchical approach to development focussing on firstly reducing travel demand and then placing the needs of vulnerable road users (such as cyclists and pedestrians) and passenger transport users above the needs of other vehicle users. In this case the planning statement admits that all staff users at the nearby industrial estate travel by car with no green travel initiatives taken up by employees. This demonstrates that the development does not acknowledge local sustainable travel policy and has no regard to the environmental consequences of the development.

4.0 Summary and conclusions

- 4.1 The appeal development does not preserve the openness of the Green Belt and is considered to be inappropriate development in the Green Belt. It is also harmful to the character and appearance of the rural area within which it is located.
- 4.2 The development is considered to be prejudicial to highway safety and amenity. The development is also an unsustainable form of development in that it promotes the use of the private car which is damaging to the local environment and contrary to the Local Transport Plan and the advice set out in Section 9 of the Framework which advises that development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- 4.3 The appeal development is considered to be contrary to local and national planning and transport policy and therefore the Inspector is respectfully invited to dismiss this appeal.

Appendix A:

Appeal decision at Spicer House Lane, Ingbirchworth, Barnsley S36 7GG

Appeal Decision Site visit

made on 20 April 2021 by **C Coyne BA**

(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2021

Appeal Ref: APP/R4408/W/21/3267860

Spicer House, Spicer House Lane, Ingbirchworth, Barnsley S36 7GG

- ☐ 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 Jeff Pears against the decision of Barnsley Metropolitan Borough Council.
- ☐ The application Ref 2020/0670, dated 10 June 2020, was refused by notice dated 17 August 2020.
- ☐ The development proposed is overspill car park and access track.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's officer report refers to use class D2. Since the determination of the original planning application this use class has been revoked by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and replaced with use class F2. However, this change has not affected the determinative issues to this case, and I have therefore decided the appeal on this basis.

Main Issues

3. The main issues are:
 - ☐ whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies;
 - ☐ the effect of the proposed development on the character and appearance of the area; and
 - ☐ if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

4. The appeal site is within a large area of open agricultural land to the side of Spicer House, a sizeable property comprising several conjoined barns and domestic buildings that have been converted for use as a wedding venue and for corporate events. Spicer House also has a large area of hardstanding on its other side which is used for the parking and turning of vehicles. Spicer House and its grounds are set within a wider open agricultural landscape which is part of the Green Belt.

Whether inappropriate development

5. The *National Planning Policy Framework* (the Framework) states at paragraph 143 that inappropriate development is, by definition, harmful and should not be permitted except in very special circumstances. I consider Policy GB1 of the adopted Barnsley Local Plan (BLP) to be broadly consistent with the Framework as it states that the Green Belt will be protected from inappropriate development in accordance with national policy. Consequently, I have afforded it substantial weight.
6. The proposal would create a new vehicular access and track from Spicer House Lane to the part of the appeal site which would become an overspill car park for weddings and other events held at the house. The access track and overspill car park would both be created using bound porous natural stone aggregate materials.
7. The creation of the proposed access track would be classed as an engineering operation under Section 336 of the Town and Country Planning Act 1990. Paragraph 146 b) of the Framework states that engineering operations are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
8. Additionally, the creation of the proposed overspill car park would in this case, be classed as a material change of use of land from agricultural use to a car park. Similarly, paragraph 146 e) of the Framework states that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
9. The proposal would be located within an open agricultural field where there is currently no development. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of an access track and overspill car park on the appeal site would therefore bring about development where there is presently none. Accordingly, the proposal would also represent a clear encroachment of development into the countryside.
10. Furthermore, given the open nature of both the appeal site and the agricultural land beyond it, there is a clear link between their respective senses of 'openness' which when assessed as a whole would be significantly harmed by the introduction of the proposal. The proposal would therefore have a discernible adverse visual impact on the openness of the Green Belt.
11. I acknowledge that the car park would not be full all the time. However, given its location, the car park itself and the vehicles using it would have a clear visual impact leading to a loss of openness, nonetheless. For similar reasons, the access track and the vehicles using it would also have a comparable visual impact.
12. Consequently, I find that the proposal would not preserve the openness of the Green Belt or safeguard the countryside from encroachment. The proposed development would therefore fall outside the exceptions set out in paragraph 146 of the Framework and should be considered inappropriate development in the Green Belt. The proposal would therefore conflict with policy GB1 which aims to ensure that development proposals are not inappropriate in the Green Belt.

Character and Appearance

13. Given the size and location of the proposal, it would be clearly visible within the landscape thereby having a noticeable visual impact. It would also be located

within an open agricultural field where there is currently no development. In addition, it would be plainly visible from Spicer House Lane by persons travelling in both directions. As a result, the proposal would have an evident visual impact on the more open rural character of this landscape.

14. I acknowledge that the materials to be used for the surfacing of the access track and car park would be natural stone aggregate and that no external lights or urban features are proposed. However, this does not mean that the proposal would not be visually noticeable in the landscape at all.
15. Consequently, the proposal would be visually incompatible with the more open and agricultural landscape within which it would be situated. Therefore, it would not fit in with the character and appearance of the more open countryside it would be encroaching into. I therefore conclude that the proposed development would materially harm the character and appearance of the area thereby failing to meet the requirements of policy GB1 of the BLP.

Other considerations

16. I note that the Council has recently granted a licence for Spicer House to perform marriage and civil partnership ceremonies. However, according to the Council's officer report, Spicer House is still classed as a C3 use dwelling. I also have no evidence before me to show how often weddings and other functions are held at Spicer House. Consequently, I afford this consideration little weight.
17. I also note the appellant's point that while the current car parking capacity is adequate for family gatherings of approximately 40 people it is not sufficient for approximately 200 guests arriving in private cars as it is also shared with delivery and catering vehicles. However, no substantive evidence has been submitted to show that this would be the case. Moreover, it is unlikely that all the guests attending a wedding or conference would only travel there by private car without considering hiring a bus if they were part of a large group. Consequently, I also afford this consideration little weight.

Planning balance and conclusion

18. The proposed development would not preserve the openness of the Green Belt. As such, it would result in inappropriate development in the Green Belt. The proposal would also cause additional harm to the character and appearance of the area.
19. The development would therefore be harmful to the Green Belt. Paragraph 144 of the Framework makes it clear that substantial weight should be given to any harm to the Green Belt. It establishes that the very special circumstances needed to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
20. I have given limited weight to the other considerations cited in favour of the development. In my view, these would not clearly outweigh the substantial harm to the Green Belt or the harm to the character and appearance of the area. The very special circumstances necessary to justify the development do not therefore exist. Accordingly, there would be conflict with policy GB1 and Paragraph 143 of the Framework. For these reasons, and having regard to all relevant matters, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

Appeal Decision APP/R4408/W/21/3267860

