



Appeal Decision

Site visit made on 16 August 2016

by Rory Cridland LLB (Hons)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/J0405/W/16/3150377

RPS Yard, London Road, Buckinghamshire, Wendover HP22 6PN

- 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 Mr Terence Danecker, DSM Fabrication Ltd against the decision of Aylesbury Vale District Council.
 - The application Ref 16/00191/APP, dated 20 January 2016, was refused by notice dated 1 April 2016.
 - The development proposed is a material and plant store.
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Decision

1. The appeal is allowed and planning permission is granted for a material and plant store at RPS Yard, London Road, Buckinghamshire, Wendover HP22 6PN in accordance with the terms of the application, Ref 16/00191/APP, dated 20 January 2016, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - (i) whether or not the proposal is inappropriate development in the Green Belt; and
 - (ii) the effect of the proposed development on the character and appearance of the Chiltern's Area of Outstanding Natural Beauty ("the AONB").

Reasons

Whether or not the proposal is inappropriate development in the Green Belt and its effect on openness.

3. The appeal site is situated in the Green Belt and located within an existing industrial unit on the east side of the A413, around 1km to the south of Wendover. Policy RA6 of the Aylesbury Vale Local Development Plan¹ (LP) restricts new buildings within the Green Belt other than in specific defined circumstances. However, although this Policy accords generally with the guidance set out in Paragraph 89 of the National Planning Policy Framework ("the Framework"), it takes a more restrictive approach to development on previously developed land. The Framework advises² that due weight should be given to relevant policies adopted prior to its introduction according to their degree of consistency with the Framework. Policy RA6 is such a policy and I therefore afford it limited weight and adopt the approach set out in

¹ Aylesbury Vale District Local Plan Written Statement: Part 1 (January 2004)

² At Paragraph 215

Paragraph 89. This allows for the limited infilling, partial or complete redevelopment of previously developed sites, whether redundant or in continuing use³, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Development falling within this exception is, by definition, not inappropriate. Annex 2 of the Framework provides a definition of *previously developed land* which includes land which was occupied by a permanent structure, including its curtilage and any fixed surface infrastructure.

4. The appeal site consists of a small industrial unit which operates as a metal fabrication business and forms part of a small scale industrial site housing a number of large industrial buildings. The area upon which the proposed storage unit would be located currently houses a number of shipping containers and other industrial equipment which negatively impact on the appearance of the surrounding area and detract from the overall character of the site and its surroundings. It is covered by a hard, tarmacadam type surface which forms part of the fixed surface infrastructure of the adjacent industrial unit. In view of its existing physical characteristics, I am satisfied that it falls within the definition of *previously developed land* and satisfies the first limb of the exemption.
5. Turning then to openness, the Framework indicates that this is an essential characteristic of the Green Belt. In my view, openness has both a visual and spatial dimension. As an integral part of an existing industrial site, the appeal site's visual contribution to the openness of the Green Belt is already limited. Furthermore, it is screened along its northern and eastern boundaries by large, semi-mature trees and the perimeter bund which separates the entire site from the open countryside. Similarly, in view of its position in the north eastern corner, it is well screened from the south by the existing buildings. Although it would be visible from the road, the proposed structure would appear as an integral part of the existing site. In addition, the removal of the existing shipping containers and their replacement with the proposed storage unit would improve the overall appearance of the site. On balance, I find that the proposed structure would not materially alter the visual contribution the site makes to the openness of the Green Belt.
6. Spatially, the proposal would introduce a larger structure to the site than the existing shipping containers. Nevertheless, its impact would be confined to the site itself. In view of the screening provided by the perimeter bund, its siting alongside the existing buildings, and its use of materials which integrate well with the surrounding structures, it would appear an integral addition to an existing industrial site housing a number of large industrial units. Furthermore, the proposed removal of the existing shipping containers would significantly mitigate any residual spatial impacts that the increase in height would have and would positively impact on the overall visual contribution the site makes to its surroundings. This could be secured by means of a condition.
7. In view of the above, I am satisfied that any spatial impact on the openness of the Green Belt would not be material and would be outweighed by the positive contribution that would result from the removal of the shipping containers. On balance, I find that the proposal would have no greater impact on the openness

³ Excluding temporary buildings

of the Green Belt or the purpose of including land within it than the site presently does.

8. Accordingly, I find that the scheme would fall within the definition of *previously developed land* and would not have any material impact on the openness of the Green Belt. As such, it falls within the exemption provided by Paragraph 89 and is, by definition, not inappropriate. The need for very special circumstances does not therefore arise.

The effect of the proposal on the AONB.

9. As well as being situated in the Green Belt, the appeal site is located within the AONB. Paragraph 115 of the Framework requires great weight to be given to conserving landscape and scenic beauty in AONB's and Paragraph 116 indicates that planning permission should be refused for major developments in these areas other than in exceptional circumstances.
10. The appeal site currently comprises an existing unit which forms part of a small scale industrial site. The area upon which the proposed structure would be sited currently houses a number of shipping containers and other industrial equipment which results in a cluttered and untidy appearance. This negatively impacts on the appearance of the surrounding area and detracts from the overall character of the site and its surroundings.
11. Given the nature of the development and its context, I do not consider that it falls within the definition of *major development* for the purposes of Paragraph 116. Furthermore, I have already found above that the site makes little, if any, contribution to the openness of the Green Belt. Similarly, it makes little contribution to the character and appearance of the AONB and its sensitive landscape. Although it would be visible from the main road, it would appear neither prominent in the landscape nor dominant within the wider site or setting. Its size and scale would be in keeping with the other buildings on the site and, as such, it would not appear excessive. The use of materials which integrate well with the surrounding utilitarian structures helps ensure that it would not appear out of place in the wider site. Furthermore, I agree with the parties that the removal of the existing shipping containers would improve the overall visual appearance of the site and the contribution it makes to the wider surroundings.
12. Accordingly, I am satisfied that neither its size nor the materials proposed would be visually intrusive in the AONB or have any material impact on the sensitive landscape. As such, I find that the landscape and scenic beauty of the surrounding area would be conserved.
13. While I note the comments of the Chilterns Conservation Board and their suggestions for alternative cladding, in view of its limited impact on its surroundings, significant screening along three boundaries, and use of materials which integrate well with the existing site, I do not consider such alternative materials to be necessary to protect the AONB.
14. Consequently, I find that the proposal would not be harmful to or detract from the AONB. Similarly, I do not consider it to represent a damaging form of development which would detract from its special qualities. Accordingly, I find no conflict with the Paragraphs 115 or 116 of the Framework. Likewise, I find no conflict with LP Policy GP35 which, amongst other things, requires the

design of new development to respect and complement the physical characteristics of the site and its surroundings as well as the natural qualities and features of the area.

Conclusion

15. I have found that the proposal would not be inappropriate development in the Green Belt and would not have any material impact on its openness. As such, the need for very special circumstances required by Paragraph 89 does not arise. I have also found that the proposal would not be harmful to the character and appearance of the surrounding sensitive landscape.
16. Accordingly, for the reasons set out above, I conclude that the appeal should be allowed.

Conditions

17. I have had regard to the conditions suggested by the Council. In addition to the standard commencement condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
18. Similarly, a condition requiring the submission of samples of the materials used is necessary in order to protect the surrounding sensitive landscape. As this is fundamental to a satisfactory scheme, it requires discharging before work commences on site.
19. I have found above that the removal of the shipping containers would improve the overall appearance of the site and provide a significant amount of mitigation both in terms of its impact on openness and on the AONB. As such, I consider conditions requiring the removal of the existing shipping containers from the site and restricting the ability for new ones to be deposited or stored there as necessary to ensure that these benefits are realised. However, the appellant has indicated that he is able to agree to such conditions over only that part of the site shaded grey on plan Ref 190916 DSM Site. This area consists of the industrial unit which forms the metal fabrication business together with the associated hardstanding. I am satisfied that the application of these conditions to that area of land would be sufficient to ensure that the resultant benefits are realised. Accordingly, I will limit the condition to that area only.
20. However, the Framework advises that conditions should only restrict national permitted development rights where there is a clear justification for doing so. I am not satisfied that the Council's suggested conditions removing many such rights is necessary as no detailed explanation for it is given.

Rory Cridland

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans
Drawing Ref: 181215 DSM Site
Drawing ref: 181215 DSM 01 P
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority.
- 4) All existing metal storage containers located within the shaded area shown on the plan (ref 190916 DSM Site.) shall be permanently removed from the application site prior to the occupation of the building hereby permitted. Thereafter no metal storage containers shall be deposited within the shaded area shown at any time.