

Appeal Decision

Site visit made on 8 September 2016

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 26 October 2016

Appeal Ref: APP/A0665/W/16/3153166

Parkgate Service Station, Parkgate Road, Chester, Cheshire CH1 4DU

- 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 Euro Garages Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref 15/04520/FUL, dated 29 October 2015, was refused by notice dated 21 January 2016.
 - The development proposed is the extension of the existing petrol filling station shop building and the alteration of the shop front comprising the introduction of replacement aluminium windows and doors, relocation of vent pipes, creation of cycle park and bin/AC compound, relocation of existing air/water facilities and the introduction of 11 no dedicated car parking spaces.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (NPPF); whether there would be any other harm to the Green Belt, and if it is inappropriate development, whether any harm to the Green Belt 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 development.

Reasons

Background

3. The appeal site extends to around 0.01 hectares and contains a petrol filling station. It is located off the A540 within the North Cheshire Green Belt. The filling station has a large canopy under which stand 4 no. pump islands and attached to which is a shop unit. This proposal is a revision of a previous application, ref. 14/05037/FUL, which was refused planning permission. It differs insofar as minor revisions have been made to the proposed layout, and information on flooding and contamination, missing from the earlier application, is included.
 4. Proposed is a flat roofed, rear extension to the shop in matching materials; alterations to the shop front comprising of the introduction of replacement
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aluminium windows and doors, and the relocation of the vent pipes; creation of a cycle park; relocation of the bin and air condition compound; relocation of the existing air/water facilities, and the addition of 5 no. car parking spaces to add to the existing 6 no. parking spaces.

5. The proposed extension would measure around 14.25 x 7.8 x 3.4m and would add around 101m² of floor space while a shed and storage units with a combined footprint of around 5.34m² would be removed from the site. The appellant pointed out that the extension is required as the existing shop space is limited.

Green Belt

6. Policy STRAT 9 of the adopted *Cheshire West and Chester Council Local Plan (Part One) Strategic Policies* (LP) states that "In settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the National Planning Policy Framework".
7. The NPPF makes clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building" and "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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".
8. Given the nature of this proposal; a rear extension to the existing shop unit to provide additional floorspace and the addition of 5 no. parking spaces as opposed to the complete or partial redevelopment of the site, I consider it falls into the former exception. In this regard, the term "disproportionate additions" is not defined in either the NPPF or the development plan and the parties dispute whether the proposal would be inappropriate development in the Green Belt.
9. My attention was drawn to appeal decision APP/A0665/C/12/2178825 that also concerned a petrol filling station located within the Green Belt on the opposite side of Chester from this appeal site. In that instance, planning permission was granted. However, as the issue was one of a replacement development following a fire and the exception that applied was that of "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces", I do not consider the two developments to be directly comparable.
10. Nevertheless, I note that the previous Inspector considered the building to include all of the buildings within the planning unit, and not just the shop unit itself. He therefore concluded that the increase in floorspace and volume of the replacement retail building, over and above that of the original building, (which included the filling station canopy and storage units) to not be materially larger.
11. The NPPF defines the original building as the "building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". From the evidence, the original building would appear to post-date 1948 and has not

been extended. In their evidence, the parties have set out the floor area, rather than the volume, of the canopy, shop and storage areas, along with the floor area of the proposal, and agree that it would represent an increase of around 24%. The Council's uncontested evidence estimates that the extension to the shop on its own would add around 136% to the shop floor area.

12. In my judgement, whether the whole planning unit or the shop unit in isolation is taken as the starting point for assessing the original building, the proposal would amount to a disproportionate addition over and above the size of the original building. Against this background, I am satisfied that the proposal would be inappropriate development which the NPPF makes clear is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
13. Furthermore, the increase in built form, albeit to the rear of the existing shop unit, and the addition of 5 no. parking spaces would lead to a minor reduction in the openness of the Green Belt. The NPPF makes clear that the essential characteristics of Green Belts are their openness and permanence so any reduction in these characteristics would be harmful. The NPPF goes on to make clear that substantial weight should be given to any harm to the Green Belt, as reflected in LP Policy STRAT 9.

Other considerations

14. The appellant pointed out that Parkgate Service Station is not competitive at present and the current shop is considered too small. To address this, it was argued, that it would be necessary to upgrade the range of goods available for patrons. This proposal would enable the filling station to continue to serve as a local shop on a 24 hour basis, provide patrons with convenience goods and toilet facilities, and would create and sustain local employment. In addition, the proposal would provide cycle parking (enabling patrons to have a choice of modes of transport to access the site), would provide disabled parking/access, and would remove a timber shed/storage containers and introduce a landscaped buffer to the rear boundary. I give these economic, social and environmental considerations significant weight in favour of the proposal.
15. In addition, I note from the officer report that the Council considers that the proposal would not be harmful to highway safety and the living conditions of nearby residents, would not give rise to harmful flooding, drainage and environmental impacts and would not require a sequential test or to establish a need in respect of a retail impact assessment. However, these are considerations that do not add further harm rather than being positively in favour of the proposal.

Conclusion

16. The proposal would represent inappropriate development in the Green Belt that would reduce openness. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful. The NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

17. Against this, the economic, social and environmental benefits identified by the appellant afford significant weight in favour of the proposal. However, the NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt. Therefore, very special circumstances necessary to justify the proposal do not exist.
18. For the reasons given above, and noting the appellant's assertions that the inclusion of the appeal site within the Green Belt is an anomaly and the function of the Green Belt in the vicinity of the appeal site is to preserve the setting of Chester, the special character of which would remain unchanged by the proposal, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR