
Appeal Decision

Site visit made on 5 December 2016

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/Q4245/W/16/3159635

Bay Malton Hotel, Seamons Road, Dunham Massey, Altrincham, WA14 5RA

- 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 Daniel Thwaites Plc against the decision of Trafford Borough Council.
 - The application Ref: 88137/FUL/16 dated 5 April 2016, was refused by notice dated 26 July 2016.
 - The development proposed is relocation of car park and extension of hard paving to beer garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case are: 1) whether the proposal amounts to inappropriate development in the Green Belt (GB); 2) the effect of the proposal on the character and appearance of the area; and 3) if it is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

3. The appeal proposal follows on from a previously approved scheme for various alterations to the hotel building and alterations to its existing car park, boundary treatment and areas of hardstanding.¹ The revised scheme before me includes the erection of a larger car park adjacent to the western boundary, larger external terrace areas, and a smaller re-sited beer garden. Revisions have also been made to the boundary treatment, and the existing car park behind the hotel building would be retained as an area of hardstanding and barbeque area. The appellant says the revised layout represents the optimum and preferred scheme for the site, explaining that there are often only very small margins between what makes a new or remodelled family style pub successful or unsuccessful, by reference to its business expectations.

Whether the proposal is inappropriate development in the Green Belt

4. National policy on Green Belts is set out in the *National Planning Policy Framework* (the Framework). Paragraphs 87, 89 and 90 should all be read

¹ Ref: 85835/FUL/15

together, and consequently development in the GB is inappropriate (and only permissible under very special circumstances) unless it falls within the exceptions set out in paragraphs 89 and 90. This is reflected in Policy R4 of the *Trafford Local Plan: Core Strategy* (CS), adopted January 2012. R4.1 says the GB will be protected from inappropriate development, and R4.2 says new development in the GB will only be permitted where it is for one of the appropriate purposes specified in national guidance, provided it does not prejudice the primary purposes of the GB or where very special circumstances can be demonstrated in support of the proposal. Although the CS was adopted shortly before the Framework's publication, it nonetheless reflects its principles.

5. Paragraph 89 of the Framework refers to the construction of new buildings and therefore does not apply to the appeal proposal. In its statement the Council says the extension to the outdoor terrace area should be considered on the basis of an extension to the building, saying it would represent a disproportionate addition over and above the size of the original building. However, in my view this approach is incorrect, as the external elements proposed here are not buildings for the purposes of Paragraph 89.
6. Paragraph 90 then states that other forms of development are not inappropriate, provided they preserve the openness of the GB and do not conflict with the purposes of including land within it. These include engineering operations, and tend to include works which change the physical nature of the land. I consider that the principal elements of this application (car park, terraces, barbeque area), all fall within this category.
7. The area which would in part be occupied by the proposed car park is currently laid to lawn and was previously part of the large beer garden. Therefore, given the previous use, its partial development for car parking would not in my view amount to encroachment into the countryside. Overall, I am satisfied that the proposal would not conflict with the purposes of including land in the GB, and this is not disputed by the Council.
8. With regard to openness however, the proposed car park, outdoor terrace areas and boundary fences would occupy a currently undeveloped area, and would thus lead to a loss of openness in this part of the GB. Openness means freedom from development and is only partly concerned with visibility. I do not agree with the appellant that because the car park etc would be 'flat' features as opposed to buildings, they would not affect openness. Nor do I agree that they would have a very small footprint. I consider that the cumulative effect of the various elements of the proposal would conflict with the fundamental aim of GB policy to prevent urban sprawl by keeping land permanently open, and I attach substantial weight to the harm arising from this loss of openness.
9. However, as the 'built' elements of the scheme have been omitted, the appellant says the proposal would not now be inappropriate development in the GB, and in support of this view has referred to other proposals elsewhere where this point was considered. Firstly, a proposal at the Bonny Inn, Clayton-le-Dale, Ribble Valley² (by the same appellant) for a small extension to a patio and car park (4 additional spaces), on GB land. In that case, although properly assessed as an engineering operation under Paragraph 90 of the Framework, the Council considered these were very low key features which would not have any significant impact on openness. As such it was satisfied that the

² Ref: 3/2015/0614 Bonny Inn, Clayton-le-Dale (Ribble Valley BC)

development was not inappropriate. This is in marked contrast to the appeal before me, where the new car park, terrace and other hard-surfaced areas would represent a very significant reduction in openness compared with the existing situation (and approved scheme), and for that reason I have reached a different conclusion.

10. Secondly, a car park extension in the GB in Womborne (South Staffordshire BC)³, where the Planning Officer considered there would be no harm to the openness of the GB due to the transient nature of parked cars; and thirdly, an appeal in Brinsley (Broxtowe BC)⁴, where the Inspector found that whilst the proposed car park and other outdoor features would be inappropriate development, he disagreed with the Council on the impact of parked cars on the openness of the GB. The appellant says these examples serve to show that car parking does not constitute development in its own right, and that there would be no impact on openness due to its transient nature. However, my concern relates not to the parked cars, but the car park, terrace, and other hard-surfaced areas. These are not transient features but permanent engineering operations which would have a materially affect openness.
11. Consequently, none of these decisions has directly influenced my reasoning, and in any event each application and appeal falls to be considered on its own merits. Overall on this issue, I conclude that the proposal would amount to inappropriate development in the GB. Paragraph 87 of the Framework explains that inappropriate development is, *by definition*, harmful to the GB and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is therefore necessary for me to consider whether any other harm would be caused by the proposal, and then balance the other considerations against the totality of that harm in order to determine whether very special circumstances exist.

Character and appearance of the area

12. The proposed outdoor terrace area would be considerably larger than the original area of terrace on the site (approximately 260sqm compared with 112sqm), and would result in a large surfaced area close to the highway. Furthermore, the proposed tall fence along the highway boundary would introduce a highly visible and somewhat alien and urban feature on this currently open boundary. This feature, together with the terrace areas, would detract from the semi-rural character and appearance of this section of Seamons Road.
13. Notwithstanding the proposed landscape planting on the western and northern boundaries there would be a significant reduction in the existing area of green open space on the site. The appearance of the site would change markedly as a result, and would be dominated by surfaced areas surrounding a much smaller beer garden. These features would also be visible from public viewpoints on the Trans-Pennine Bridleway, the Bridgwater Canal and from Seamons Road. I therefore conclude on this issue that the proposed development would materially harm the character and appearance of the surrounding area. However, given the semi-rural character of the area including the appeal site

³ Ref: 14/00337/FUL Orton Electrical Services, Womborne, Wolverhampton (South Staffordshire BC)

⁴ Ref: APP/J3015/A/11/21455513: Brinsley Lodge Inn, Brinsley Road (Broxtowe Borough Council)

(in contract to the open countryside beyond the western site boundary), I attach moderate weight to this harm.

Other Considerations

14. The appellant suggests there are a number of important considerations which weigh in favour of the scheme. These include: 1) bringing the vacant building back into use by creating a high quality and attractive food and drink facility that can be used by local people; 2) safeguarding the future of a valued local building; 3) creating employment opportunities with up to 25 full time jobs (equivalent); and 4) improving investor confidence in the area.
15. The above considerations apply equally both to the approved scheme and current proposal. However, the appellant says there are further considerations which relate specifically to the appeal proposal. These include: 1) the enlarged outside terrace, beer garden, barbeque area and car park would make the best use of the site by providing a more attractive facility with more opportunities for customers; 2) the larger outdoor areas and additional tables/seating would attract more customers and greater economic benefit; 3) re-siting the car park would allow it to function better, with better linkage between the car park, hotel and outdoor areas; 4) the additional 8 car parking spaces would make the facility more attractive and reflect what would be needed at peak trading times; and 5) the boundary treatment and planters would help to screen the car park and terrace, making the development imperceptible to passers by.
16. The Council has raised no overriding objections to the effect of the revised scheme on the living conditions of the occupiers of neighbouring dwellings. Based on my own observations, I find no reason to disagree. I also note there are no highway objections to the proposal and the Council's Environmental Health Officer has raised no objections subject to conditions. However, these are neutral, lack-of-harm considerations that neither weigh against or in favour of the proposal.

Whether very special circumstances exist

17. I have found that the proposal amounts to inappropriate development which *by definition* is harmful to the GB. The Framework makes it clear that such development shall not be approved except in very special circumstances. For the appeal to succeed the combined weight of other considerations must clearly outweigh the totality of the harm arising.
18. I accept that many of the above considerations weigh in favour of the proposal, particularly the immediate and long-term economic benefits and bringing a vacant building and site back into use. However, the scale of the outdoor elements of the scheme are now substantially greater than previously approved, and would result in greater harm being caused to the openness of the GB and to the character and appearance of the area.
19. Although the Council was satisfied that these considerations outweighed the harm arising from the previous scheme and thus amounted to very special circumstances, they are no longer sufficient in my view to outweigh the greater degree of harm to the openness of the GB (to which I attribute substantial weight) and the additional harm to the character and appearance of the area (to which I attach moderate weight).

20. Furthermore, the further considerations applying to the revised scheme are mainly concerned with the functional operation of the hotel and site and its perception and attractiveness as a family pub to potential customers. Whilst the appellant says the changes to the approved scheme might make the difference between a successful business and an unsuccessful one, this is not a matter to which I can attribute weight in the overall planning balance, particularly as I have been provided with no evidence to justify this claim.
21. Overall, having carefully considered the arguments put to me, I consider that none of the other considerations is sufficient to outweigh the substantial harm I have identified in the form of inappropriate development and loss of openness in the GB, together with the moderate harm that would be caused to the character and appearance of the area. Consequently, there are no very special circumstances to justify the proposal. It would conflict with CS Policy R4, the development plan as a whole, and National Green Belt Policy in the Framework.

Conclusion

22. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR