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## Appeal Decision

Site visit made on 29 November 2016

**by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

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

**Decision date: 16<sup>th</sup> December 2016**

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**Appeal Ref: APP/P0240/W/16/3158557**

**Honeywicke Cottage, Honeywick Lane, Eaton Bray LU6 2BJ**

- 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 & Mrs Price of M&S Direct Access Ltd against the decision of Central Bedfordshire Council.
  - The application Ref CB/16/02417/FULL, dated 4 June 2016, was refused by notice dated 15 August 2016.
  - The development proposed is for the change of use of land and buildings from agricultural to scaffolding storage/business and installation of hardstanding to form scaffolding yard (retrospective).
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land and buildings from agricultural to scaffolding storage/business and installation of hardstanding to form scaffolding yard at Honeywicke Cottage, Honeywick Lane, Eaton Bray LU6 2BJ, in accordance with the terms of the application, Ref CB/16/02417/FULL, dated 4 June 2016 and subject to the conditions set out in the schedule.

### Procedural Matters

2. Both the Council's description and that of the appellants includes the word 'retrospective' to describe the development, which has already been carried out. As a retrospective act does not amount to development, this part of the description is omitted. The preferred description is for the change of use of land and buildings from agricultural to scaffolding storage/business and installation of hardstanding to form scaffolding yard.
3. The appeal site is subject to an extant enforcement notice following an appeal<sup>1</sup> that requires the cessation of the use together with the removal of vehicles, equipment and materials in addition to the hard surfacing. The Inspector in that appeal however was not invited to form a view as to the planning merits of the use and the on-going activities at the appeal site.

### Main Issues

4. The parties agree that the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework'). Consequently, the main issues in this appeal are: a) whether

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<sup>1</sup> APP/P0240/C/16/3146144

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there would be any further harm to the Green Belt, particularly in terms of the purposes of Green Belt; b) the effects of the development on conditions of highway safety and; c) whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify inappropriate development in the Green Belt.

## **Reasons**

### *Background*

5. The appeal site is located within the designated *washed over* South Bedfordshire Green Belt. It comprises a roughly square paddock amounting to some 450 sqm and access track leading from Honeywick Lane to the rear of Honeywicke Cottage, a Grade II Listed Building. For the purposes of my statutory duty in heritage matters, I agree with the Council that the development does not affect or otherwise harm the setting of this listed building due to the extent of the existing screening that exists between the heritage asset and the appeal site. Honeywick Lane is a narrow rural lane with passing places.

### *Issue a): Green Belt – openness and other harm*

6. The Framework indicates at paragraph 79 the great importance attached by Government to the Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open.
7. As I have indicated, there is no dispute between the parties that the site is within the Green Belt and would constitute inappropriate development. I agree with that position. The Framework makes it clear that inappropriate development in the Green Belt is by definition harmful to it and should not be permitted except in exceptional circumstances.
8. Regarding openness, the appeal site is relatively enclosed on all sides by hedgerow and tree screening that has been permitted to grow to a height of at least 4m. The site contains a temporary store/office building and open hardstanding upon which racking has been provided to store the scaffolding equipment. Visually it is well contained from the roadside by the existing cottage and mature vegetation and at the time of my visit, the yard appeared to be well stocked with scaffolding equipment and other associated paraphernalia. The vegetation is entirely within the control of the appellants who would also be willing to accept a condition limiting the height of storage.
9. As far as I could ascertain, the only views of the scaffolding yard from the public domain would be glimpsed views from Honeywick Lane. From this location, the original farmhouse and its mature tree screening to its rear, together with stabling buildings dominate the foreground. Whilst the concept of openness in Green Belt terms stems from a lack of built development, Honeywick Lane contains a number of other businesses including another scaffolding business at Honeywick Farm. The scaffolding yard at the appeal site is relatively small scale and consequently, rather innocuous in this setting.
10. Despite the harm due to inappropriateness, I agree that the development has not unacceptably harmed the openness of the Green Belt in this setting and would not therefore conflict with the Framework.

11. Turning to the five purposes of Green Belt as set out in paragraph 80 of the Framework, the relevant consideration in this appeal is the third purpose of assisting in safeguarding the countryside from encroachment. There is a difference in opinion as to whether the prevailing characteristic of the appeal site is open countryside given the other businesses that exist along Honeywick Lane. However I would agree with the appellant that the prevailing characteristic of the appeal site and its surroundings whilst predominantly countryside is not open countryside in the strict sense of the word given the presence of farms, agricultural buildings and commercial buildings forming the predominant built form in the immediate locality. I conclude that the effects of this proposal are not harmful in terms of encroachment into the countryside.

*Issue b) – Highway safety*

12. From my site visit, I was able to note the character and nature of Honeywick Lane as well as the alleged damage and deterioration caused to the highway verges from heavy vehicles oversailing the carriageway. The Council acknowledges that such damage is not necessarily caused by vehicles from the appeal site business. There are at least two passing places along the short stretch of Honeywick Lane leading from Totternhoe Road to the site entrance. The appellants point to the fact that one of the two other businesses that have frontages onto Honeywick Lane now benefits from a more efficient and convenient access directly onto Totterhoe Road. This has significantly reduced traffic flows along Honeywick Lane.
13. Although the Council believes that it would be difficult to control the number of vehicles entering and leaving the appeal site on a daily basis, there is little disputing that the nature of this particular business would be unlikely to generate significant levels of traffic. The nature of this type of enterprise means that the scaffolding equipment is normally delivered to building sites often remaining there for long periods of time under contract.
14. Policy NE10 of the South Bedfordshire Local Plan Review (2004) (the 'LP') states that planning permission should only be given to proposals for farm diversification schemes where the development would have no significant adverse impact on traffic volumes on unsuitable rural roads or highway safety.
15. However, the Framework at paragraph 32 requires that development should only be refused on transport grounds where the residual cumulative impacts of development would be severe. Here, there is no evidence that any of the local roads, including Honeywick Lane are overloaded or dangerous, and from my own observations, there is nothing to suggest that this is the case. Given that the previous use of the appeal site as part of an agricultural enterprise might have involved the use of heavy farm machinery traversing this lane, which might also have generated large volumes of traffic, I do not consider that the stated daily trips generated by the scaffolding business are of such a level or type as to have a significant impact on conditions of highway safety. I am satisfied therefore that this development is not in material conflict with LP Policy NE10.

*Issue c): Very Special Circumstances*

16. As stated above, it is accepted that the proposed development would be inappropriate development in the Green Belt but that further harm from loss of openness would not follow in this case. Given the presence of existing

commercial developments on the one side and the stabling buildings on the other, I have found that the development would not significantly undermine one of the five purposes of the Green Belt, namely, safeguarding the countryside from encroachment. I have found in favour of the development on highway grounds. But having identified harm through inappropriateness, there is a requirement to consider whether such harm is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify inappropriate development in the Green Belt

17. A core planning principle of the Framework is that planning should proactively drive and support economic development. I therefore attach significant weight on the need to support economic development.
18. The appellants employ 12 people, two from the nearest village. It is clear that the continued operation of this business would be likely to safeguard employment in the locality. Moreover, the existing business utilises the existing commercial garage facility at the end of the Lane for repair and maintenance of its vehicles. Thus in turn, the appeal enterprise also benefits local businesses. The firm contributes to the rural economy by the provision of employment and use of local services. The use of local workforce and resources while minimising travel distances bring environmental benefits. I attach significant weight to these considerations.
19. The appellants have maintained that they have considered alternative sites and premises in the area. However, for various reasons, these have been discounted. Given the scale of the enterprise and its particular storage needs, which can be of an intermittent nature, I accept that the vacant industrial buildings that have been identified are not entirely appropriate for this type of use. The issue of security is considered particularly pertinent and the appellants maintain that by residing in close proximity to the storage area has reduced the incidence of thefts. The appellant draws attention to recent events that have seen the theft of several thousands of pounds of equipment and the difficulties that this would pose to the business if it had to be relocated to another site. However, whilst these factors are not unique to the appellants' business, there are good reasons to support the consolidation of this business at this location rather than on an existing employment site which might not offer the same modest scale and local convenience or natural surveillance. I am satisfied that the proposal would meet the sustainable development ambitions and the five criteria i) to v) as set out in LP Policy SD1.
20. The appellants suggest that this is a form of agricultural diversification; however, the size of the unit would not have been a particularly viable agricultural enterprise. They also suggest that the use of the land for agricultural activities would also have had some impact on the Green Belt by virtue of vehicle activity, storage requirements, etc. There are no details of the former use of the appeal site before me. However, whilst LP Policy NE10 seeks to support appropriate farm diversification, such developments must be compatible with Green Belt policy.
21. In my view, the farm diversification undertaken here has involved a relatively low key and benign storage use that has no significant effect on the openness of the Green Belt in this location and the limited harm that has occurred is at an acceptable level. I conclude therefore that the proposal conforms to LP Policy NE10.

22. I also acknowledge the provisions of the Town & Country Planning (General Permitted Development) (England) (Order) 2015 at Schedule 2, Part 3, Class R in terms of Class B8 uses etc. Given the nature of the business here, which is a somewhat appropriate and rather typical business activity that is often found in rural areas, I consider that these factors weigh in favour of the enterprise and I attach significant weight to these factors.

#### Conditions

23. The Council has suggested the single planning condition that limits the hours of operation; I find this to be necessary in the interests of protecting living conditions given the location of the premises close to residential properties.
24. I have considered other conditions in the light of the advice contained within the Planning Practice Guidance and the Framework. The physical area of the appeal site is contained to a large degree by the presence of landscape screening. The appellant agrees to a condition that would limit the height of the storage to 3m, which is necessary in the interests of safeguarding the character and appearance of the area. A condition specifying the area for the parking of commercial vehicles associated with the business is also necessary to protect the character and appearance of the area. The condition specifying approved plans is necessary to provide certainty.

#### Conclusions

25. There is acknowledged harm by reason of inappropriateness and associated loss of openness. However, in the local context of the appeal site, this loss is not significant and the development has not caused unacceptable harm to the Green Belt in terms of encroachment into the countryside.
26. Highway matters do not impact on this development. In addition, safeguarding employment and the contribution this enterprise makes to other business locally and therefore the local economy carries with it significant weight.
27. Therefore, taking all matters into account, the circumstances set out by the appellant, when taken together, are sufficient to constitute the very special circumstances necessary to clearly outweigh the harm to the Green Belt in this case. The proposal would also deliver a sustainable development as set out in the Framework.
28. For the reasons given and having taken account of all other matters raised, I conclude that this appeal should be allowed.

*Gareth W Thomas*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. The premises the subject of this approval shall not be used except between 07:00 hours and 18:00 hours Monday to Friday and 08:00 hours and 16:00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.
2. The external storage of scaffolding and scaffolding related materials hereby permitted together with any racking system employed at the site shall not exceed a height of 3 metres at any time.
3. All commercial vehicles associated with the scaffolding business hereby permitted shall be parked within the area depicted on the site plan as "Main storage area and lorry parking" only.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Site Plan that accompanied the planning application.