The Planning Inspectorate

Appeal Decision

Site visit made on 13 December 2016

by Elizabeth Jones BSc (Hons) MCTP MRTPI

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

Decision date: 18 January 2017

Appeal Ref: APP/F0114/C/16/3154650
Land at Parcel 0660, Upton Lane, Chew Magna, Bristol BS41 8NR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Nicholas Parfitt against an enforcement notice issued by Bath & North East Somerset Council.
- The enforcement notice was issued on 22 June 2016.
- The breach of planning control as alleged in the notice is without planning permission the change of use of the land from agriculture to a mixed use of agriculture and the use of land for the parking of vehicles unconnected with the agricultural use of the land.
- The requirements of the notice are:
  1. Requirement 1: Stop using the land for the parking of vehicles unconnected with the agricultural use of the land.
  2. Requirement 2: Remove all vehicles from the land which are unconnected with the agricultural use of the land.
- The period for compliance with the requirements is two weeks.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (a)

Main Issues

1. The appeal site comprises an agricultural field which lies within a designated Green Belt. Accordingly, I consider the main issues are:

   i) Whether the development represents inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;

   ii) The effect of the development on the openness of the Green Belt and the character and appearance of the area;

   iii) The effect of the development on highway safety; and

   iv) If the 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 very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

2. The appeal development comprises the change of use of agricultural land from agricultural use to a mixed use of agriculture and for the parking of vehicles.

3. The Framework states that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 89 or 90 of the Framework. Proposals comprising material changes of use do not come within either of those paragraphs, and thus are inappropriate development. As the appeal development involves the material change of use of the site, it is therefore inappropriate development.

Openness and Character and appearance

4. The Framework advises 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. Paragraph 80 identifies that the Green Belt has five purposes including to assist in safeguarding the countryside from encroachment.

5. Openness in a Green Belt context can be taken to mean an absence of visible development or manifestation of use. The evidence in the Council's enforcement report indicates that the appeal site has been used for the parking of up to approximately one hundred and fifty vehicles at any one time. The physical presence and scale of the parked vehicles results in a significant loss of openness which is harmful to the Green Belt. Taking into account that openness is an essential characteristic of Green Belts, the harm that would be caused carries significant weight.

6. Having visited the area and walked a section of the public footpath which crosses the appeal site I note that the parked vehicles are visible from a number of public vantage points. Rows of parked vehicles in this prominent location are visually detrimental to the rural character of the countryside resulting in an unacceptable impact on the character and appearance of the area. Consequently, there is conflict with Policy CP8 of the Bath and North East Somerset Core Strategy Part 1 of the Local Plan (2014) (Local Plan) and Policies NE.1 and GB.2 of the Bath and North East Somerset Local Plan (2007) which state amongst other things that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting.

Highway safety

7. Upton Lane is a classified road which extends from its junction with Wells Road at Maiden Head to North Wick. Whilst in places Upton Lane is adequate for two-way vehicle passage, due to its narrow nature there are significant lengths which are only wide enough for one way vehicle passage and passing opportunities in the lane are limited.

8. The appellant states that extra parking is sometimes needed in connection with the farm shop. From the evidence before me it would appear that the majority of the parking is in connection with airport passengers.

9. The Highway Authority has expressed concerns that due to poor alignment and substandard forward visibility in many places Upton Lane is unsuitable for accommodating the vehicle traffic associated with the vehicle parking at the appeal site. The appellant acknowledges that Upton Lane is narrow in places but contends that "on average there are only twenty to thirty vehicle movements a day and these are kept to the quieter times of the day". However, whilst having to reverse is sometimes necessary on narrow country lanes, the additional traffic is likely to increase the need for reversing movements along the lane to the detriment of highway safety.

10. In addition, the Highway Authority states that the 'convoy' system used to drive a number of vehicles to the appeal site at the same time increases the risk of passage conflicts in Upton Lane with the need to yield and reverse tending to affect the single vehicle opposing and impeding the passage of the 'convoy'. This results in inconvenience and safety issues for residents living along Upton Lane and/or the movement of agricultural traffic.

11. For the above reasons, I conclude that on the basis of the available evidence, the use of the appeal site for vehicle parking affects highway safety to a harmful degree and is contrary to Policies T.1 and T.24 of the Local Plan which seek to provide a high standard of highway safety.

Other considerations

12. I have found that the material change of use of the appeal site to a mixed use for vehicle parking and agriculture as alleged in the enforcement notice is inappropriate development in the Green Belt. Furthermore, the visual impact of the parked vehicles in this rural location is detrimental to the character and appearance of the area and causes a reduction in the openness of the Green Belt. I have also found that the change of use has an adverse impact on highway safety.

13. I note the appellant's comments regarding the need for farmers to diversify. However, I have been provided with no evidence to substantiate the need for diversification in this particular case. Thus, I afford this matter limited weight.

14. I have had regard to the appellant's comments in relation to the 'airport purchasing and using Green Belt land for parking'. I have not been provided with any details regarding its location and thus I do not know if such land is directly comparable to the particular set of circumstances as the appeal site. Moreover, and in any event, each case must be determined upon its own merits and this is how I have determined the appeal before me. I therefore give this matter little weight.

Conclusion

15. According to the Framework substantial weight has to be given to any harm to the Green Belt. These other considerations are not sufficient to clearly outweigh the totality of the harm which is the test they have to meet. Consequently, I do not consider that the very special circumstances that are necessary to justify inappropriate development in the Green Belt exist.

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice and refuse to grant planning permission on the deemed application.

Formal Decision

17. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Elizabeth Jones

INSPECTOR