
Appeal Decision

Site visit made on 27 February 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/C2741/W/16/3165080

Wyevale Garden Centre, Northfield Lane, Upper Poppleton, York YO26 6QF

- 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 James Edwards, Innovation Parking Solutions Ltd against the decision of City of York Council.
 - The application Ref 16/01251/FUL, dated 10 May 2016, was refused by notice dated 15 July 2016.
 - The development proposed is erection of a hand car wash facility consisting of an area of existing car park with associated canopy, storage container and screening.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is different on the application form and decision notice. I have retained the description of development as set out on the application form as this is the scheme for which planning permission was sought.
3. I noted on my site visit that the storage container and canopy were already in place and the application is, therefore, partially retrospective and I have dealt with the appeal on this basis.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is situated in the north western corner of a garden centre car park adjacent to the junction of the A59, Northfield Lane and Station Road. The garden centre itself is comprised of a series of buildings situated in the eastern corner of the wider site.
 6. The village of Poppleton lies beyond the A59 to the north of the site. A restaurant and veterinary centre lie to the south beyond which are open fields which separate the appeal site from the Northminster and Oakwood Business Parks which are accessed via Northfield Lane. The Park and Ride lies to the west which comprises of a large car park together with a modest building. The village and clusters of commercial development lie within a relatively flat and open countryside setting.
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7. The storage container is approximately 2.3m by 5.7m and is constructed of corrugated metal painted red. The red canopy is approximately 4.5m by 7.1m which together with the supporting frame is approximately 3m in height. It is also proposed to erect an approximately 1.9m high fence with associated landscaping along the boundary with the road junction.
8. The metal storage container and canopy have a temporary and untidy appearance and are situated in an isolated position, remote from the group of buildings which comprise the garden centre. When travelling along the A59 in an east-west direction, the appeal site is at a point where the landscape around the road opens out with wide views of the relatively flat open landscape. There is limited landscaping on the north and western boundaries of the site. Consequently, due to the prominent location close to the junction of the A59, Northfield Lane and Station Road the container and canopy are highly visible when approaching in all directions. The red colour draws attention to their incongruous appearance.
9. The appellant contends that the container and canopy share the more contemporary aesthetics of both cars and of the industrial style of buildings which comprise the garden centre. However, the garden centre buildings and other buildings in the vicinity are generally set back from the road. In addition the garden centre is seen within the context of mature landscaping to the rear of the centre and established landscaping on the northern boundary which assists in screening the buildings from the A59. Although situated in a car park, the structures are larger and more permanent features than the cars which are only parked there during opening hours.
10. It is proposed to erect an approximately 1.9m high fence, approximately 40m in length, on the boundary with Northfield Lane and the A59. Landscaping is also proposed in the gap between the proposed fence and the boundary. However, both the canopy and container would be visible above the fence and landscaping which would not in any event screen the development effectively from the east or the south. In addition, the 1.9m fence would increase the mass of the development adding to its visual prominence and would be in stark contrast with the generally lower level post and rail fences which are in the vicinity. Furthermore, the proposed planting and any subsequent replacement planting would take some time to establish. Moreover, deciduous planting would only provide screening during 6 months of the year and evergreen planting would not be appropriate in this setting. Thus, I consider that the proposed fence and landscaping would not attenuate the significant visual harm which I have identified.
11. Taking these factors in combination, I consider that due to the design, colour and temporary appearance together with their siting in a prominent location on a main approach into York, the container and canopy are incongruous and visually intrusive features which have a harmful effect on the character and appearance of the area.
12. Draft Policy SP3 of the Council's Draft Local Plan incorporating the 4th set of changes Development Control Local Plan (DCLP) 2005 states that a high priority will be given to the protection of the historic character and setting of York including, amongst other things, the protection of the main gateway transport corridors into York from development which cumulatively could have an adverse impact on the character and setting of the corridor and the

surrounding environment. Draft Policy GP1 of the DCLP states that development proposals will be expected to, amongst other things, respect or enhance the local environment. I have concluded that the development would have a harmful effect on the character and appearance of the area in this prominent location on a main approach into York and would, therefore, conflict with these draft policies. I am aware that the site has been earmarked for commercial development in the past and is proposed for housing in the emerging plan, however, no details of those schemes are before me and I have, therefore, considered the appeal on its own merits.

13. For the reasons stated above, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area. It would, therefore, be contrary to draft policies SP3 and GP1 of the DCLP. Conflict would also arise with paragraphs 17 and 56 of the National Planning Policy Framework (the Framework) which seek to secure a high quality of design which contributes positively to making places better for people.

Other Matters

14. There is dispute between the parties as to whether the site is within the general extent of the Green Belt and whether the development would be inappropriate development in the Green Belt. Dispute also arises as to whether the proposal would affect the openness of the Green Belt and conflict with Green Belt purposes.
15. Furthermore, I note that the Council is proposing the appeal site for housing in the emerging Local Plan which presents to me a somewhat confusing position on behalf of the Council in terms of the contribution which the site makes to the Green Belt.
16. Given the dispute between the parties in relation to Green Belt matters and bearing in mind that the Council is proposing that the site be allocated for housing, I find the evidence before me inconclusive on this issue. In light of this I would have sought a hearing in order to discuss the issues in detail to assist me to reach a conclusion on the matter. However, I have found the proposal would have a significantly harmful effect on the character and appearance of the area and this harm would be caused irrespective of whether or not the scheme is within the Green Belt. Notwithstanding the economic benefits which would accrue from this scheme including employment, this is harm which I conclude alone justifies refusal of permission of the development, whatever the site's Green Belt status.
17. Furthermore, given the significant harm which I have identified to the character and appearance of the area, the proposal would not meet the environmental dimension of sustainable development.

Conclusion

18. For the reasons stated above and taking into account all other considerations the appeal should be dismissed.

Caroline Mulloy

Inspector