The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 24th March 2017

Appeal Ref: APP/F0114/W/16/3159311
Filers Coaches, The Old Colliery, Stanton Wick BS39 4BZ

- 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 Patrick Filer of Filers Coaches against the decision of Bath and North East Somerset Council.
- The application Ref 16/01717/FUL, dated 7 April 2016, was refused by notice dated 2 June 2016.
- The development proposed is described as "Change of Use to facilitate extension of coach parking and turning area (re-submission)".

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a planning history relevant to the appeal. Planning permission was granted in 1984 for the use of part of the Old Pensford Colliery as a coach depot.[1] This permission restricted the number of coaches stored on the approved site to a maximum of 12. In 2015, permission was granted to increase the permitted number of coaches to a maximum of 20.[2] No increase in the size of the site was proposed as part of this application. However, the Council asserts that the use has encroached onto the adjoining land, which includes the appeal site. During my site visit, I saw coaches parked within part of the appeal site and, consequently, I have considered the appeal on the basis that the use has already commenced.

Main Issues

3. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- The effect on the rural character of the area;
- If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstance required to justify the proposal.

[1] Ref WC6174/E dated 8 October 1984
[2] Ref 11/05078/VAR dated 8 May 2015

Reasons

The Site and the Proposed Development

4. The appeal site comprises an area of hardstanding adjacent to a coach depot, which includes a steel framed workshop, smaller storage buildings, portacabins and parked vehicles. It appears that the appeal site is regularly used for the parking of vehicles and as a turning area. The site lies within the Green Belt.

5. The development would increase the depth of the coach depot (measured from the road) from 35m to 64m. This would facilitate the parking of the approved number of coaches with an associated turning area. The majority of the extended site would be used for the turning of vehicles, with a number of parked coaches projecting into the site by approximately 8m.

Whether the proposal would be inappropriate development

6. The Framework establishes that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes local transport infrastructure which can demonstrate a requirement for a Green Belt location.

7. The appellant advises that Filers Yard is the operating base for four coach companies providing transport services to the surrounding communities. However, there is limited evidence to demonstrate that the operating base requires a Green Belt location. The fact that the Council has previously accepted the need for the depot to be located in the Green Belt is not sufficient to demonstrate that such a location is a necessity. Whilst the depot is long established in this location, it has not been demonstrated that it could not operate effectively from a different site, which is not within the Green Belt. Moreover, there is no evidence to prove that other such sites are not available.

8. I appreciate that no buildings are proposed and the majority of the site would be used as a turning area. However, the regular parking of coaches over a larger area, in combination with the turning area, would inevitably have an adverse effect the openness of the Green Belt.

9. I conclude on this issue that the requirement for a Green Belt location has not been demonstrated. Moreover, the development would not preserve the openness of the Green Belt. Consequently, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on rural character

10. The Council cites other harm and considers that the development would detract from the rural character of the area. There are views towards the site from the surrounding land and, despite the boundary trees and hedges, the coaches are visible in the wider area.

11. The development would increase the prominence of the site as coaches would be parked over a wider area on a daily basis. The development would include a landscaping scheme between the site and the open ground to the east, which the appellant suggests would enhance the landscape and improve the appearance of the site, in accordance with the Framework and local policy. Although the proposed copse would eventually provide some screening in views

from the east, this would be insufficient to adequately screen the development and soften its appearance in the wider rural setting. Consequently, I conclude that the development would be harmful to the rural character of the area. However, in isolation the harm would be limited, as the majority of the extended site would be used as a turning area and it would be seen in the context of the existing use.

Other considerations

12. The appellant suggests that the permitted site area is insufficient to enable the effective use of the site by four coach companies, whilst also accommodating the two HGVs which are allowed to be parked on the site. I appreciate that the extended site area would be beneficial in that the coaches would have more space to manoeuvre, in particular, to enable them to exit the site in forward gear. However, it has not been demonstrated that there are no other ways to reconfigure the site to achieve this aim and make better use of the space available. Therefore, I give limited weight to this consideration.

13. I have taken into account the visual improvements to the site as discussed with the Parish Council. However, I consider that the overall improvement would be marginal and I give limited weight to this consideration.

14. I accept that the coach depot provides an important service to the local community. However, as explained above, it has not been demonstrated that the coach companies could not operate from an alternative site. Consequently, this benefit carries limited weight.

Conclusion

15. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be limited harm to the rural character of the area.

16. Limited weight is attached to the other considerations put forward by the appellant. These considerations do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.

17. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land, or Policies CP8 of the Core Strategy[3] and GB2 of the Local Plan[4] which seek to protect land within the Green Belt.

18. For these reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

[3] Bath and North East Somerset Core Strategy: Part 1 of the Local Plan, adopted July 2014
[4] Bath and North East Somerset Local Plan, adopted October 2007