
Appeal Decision

Site visit made on 27 March 2017

by Simon N Hand MA

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

Decision date: 18 April 2017

Appeal Ref: APP/D0121/C/16/3158419

The Bungalow Inn, Kingdown Road, Bristol, BS40 5TP

- 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 Gregory Wedlake against an enforcement notice issued by North Somerset Council.
 - The enforcement notice, numbered 2016/0103, was issued on 12 August 2016.
 - The breach of planning control as alleged in the notice is without planning permission the change of use of the land and buildings from a public house and ancillary car park to a mixed use of a public house and ancillary car park and vehicle reception facility for airport customers including an office and car parking for vehicles not associated with the use of the public house, airport transfers for airport customers and the movement of customers vehicles to other sites.
 - The requirements of the notice are cease the use of the land as a vehicle reception facility for airport customers including an office and car parking for vehicles not associated with the use of the public house, airport transfers for airport customers and the movement of customers' vehicles to other sites. Remove all vehicles not associated with the use of the public house. Remove all miscellaneous items and paraphernalia associated with the use of the land as a vehicle reception facility for airport customers Including an office and car parking for vehicles not associated with the use of the public house, airport transfers for airport customers and the movement of customers vehicles to other sites.
 - The period for compliance with the requirements is 14 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. 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.

Application for costs

2. An application for costs was made by the Council against the appellant. This application is the subject of a separate Decision.

The Appeal on Ground (a)

3. The site lies in the green belt so the first issue is whether the change of use is inappropriate development, and if it is whether there are any matters that would clearly outweigh the harm to the green belt and any other harm so as to amount to very special circumstances. The Council also cite policy DM30 of the North Somerset Sites and Policies Plan Part 1 which deals with off-airport car

parking. This policy says that off-airport car parking will only be allowed in association with existing overnight accommodation at the same site where the number of car spaces is no more than 3 times the number of bedrooms. The reasons for the policy are to protect the green belt from excessive car parking and to limit airport parking to that approved as part of policy DM50, which deals with on-airport development. The rationale is that the future growth of the airport to 10 million passengers a year has been planned for in the planning permissions that granted that expansion and in the Airport Surface Access Strategy (ASAS). The second issue is therefore whether allowing the ground (a) appeal would undermine that strategy.

Reasons

4. As detailed in the National Planning Policy Framework (the Framework) the Government attaches great importance to Green Belts, the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. The Council have provided a large number of appeal decisions which demonstrate that airport car parking in the green belt is inappropriate development.
5. The appellant argues that a material change of use does not undermine the reasons for including land in the green belt or harm openness and therefore should be allowed. This is not part of their very special circumstances argument and so I can only assume they are suggesting the change of use is not inappropriate development. This is clearly incorrect. Paragraphs 89, 90, 91 and 92 of the Framework list those types of development that may not be inappropriate and off-airport car parking is not amongst them. It is, therefore, by definition, inappropriate development. Inappropriate development is harmful and paragraph 88 says that substantial weight should be given to any harm to the green belt.
6. However, I do consider that the use of the land for car parking would also harm openness. The current lawful use is as a public house. The pub stands within a large area of car parking and there are 93 spaces associated with the use. However, cars can only be parked if people are visiting the pub. There is no evidence the pub was ever so successful as to require 93 car spaces, but even if it were, such parking would be limited to the pub's opening times.
7. The evidence suggests the car park was used as a mixture of long term parking and as a reception point for customers to drop off cars which would then be driven to other, off-site locations. The Council have provided photographs which show cars parked in tightly packed ranks, as would be typical of an operator parked facility. It is therefore highly likely the numbers of cars would exceed even the theoretical maximum of pub users' cars. These cars would also be parked for 24 hours a day for many days or even weeks, whilst the owners were away on holiday or business. This amounts to a significantly different level of use than would be associated with a pub, where the car park would be empty for much of the time over a 24 hour period. The harm to openness is thus considerably greater for the use as alleged compared to even a very popular pub at this location.
8. The appellant's very special circumstances argument amounts to the fact that Bristol Airport is due to expand to 10 million passengers. 80% of passengers use a private car, according to the latest (2012) survey, the on-airport car

parking is clearly inadequate and so there is an on-going need to meet demand for car parking.

9. There is no dispute that these figures are correct. The ASAS targets 15% of all passenger movements to be by public transport and the Council's latest figure is they are on target to achieve this as numbers have grown to 13%. The appellant argues an internet search will show lots of different parking providers, which again is undisputed, but this does not amount to evidence that parking provision is insufficient. No evidence has been provided at all to back up the claim that demand outstrips supply, and even if there was that would merely serve to support the Council's argument that parking should be planned through their carefully defined strategy rather than through ad-hoc green belt provision. The fact that cars may be parked in the roads around the airport is more of a comment on the economics rather than availability of parking provision.
10. I also note there have been a considerable number of complaints from local residents, many of whom mention the 24 hour nature of the operation with associated noise, disturbance and light pollution and the impact on the narrow local highway network.
11. The development is thus inappropriate in the green belt and harms openness. It is also contrary to policy DM30 and would help to undermine the Council's airport parking strategy. Finally it causes harm to the amenities of local residents. The appellant has provided no cogent reasons to weigh in the balance against the clear and substantial harm caused and the appeal on ground (a) fails.

The Appeal on Ground (f)

12. Planning permission has been granted to convert the pub into a 16 bedroom motel. The appellant argues the notice precludes parking that would be lawfully associated with the motel. However, that use has not yet commenced, and the notice requires all parking not associated with the public house use to cease. As I saw on my site visit the public house was open for business and so the requirements are accurate. If or when the motel permission is implemented the car park allowed by that permission would be lawful regardless of the requirements of the notice.
13. I also note the motel was granted subject to a condition restricting parking to those resident at the motel. Thus even if that planning permission were to be implemented the ongoing requirements of the notice to cease airport car parking would not affect ancillary parking associated with the motel use. The appeal on ground (f) fails.

The Appeal on Ground (g)

14. The appellant argues that 14 days is insufficient time as they have contracts with many individuals for car parking who will all need to be found individual sites. He says 3 months would be reasonable. The Council have provided recent examples where the Council have required the appellant to vacate agricultural land being used for temporary parking and given him 20, 16 and 23 days. None of these examples are as short as 14 days, but I did notice a photograph showing drivers being diverted from one field that had ceased to be used and told to go to this appeal site. I have no doubt the appellant will be

able to implement similar short term arrangements to deal with any existing contracts he may have. The fact that it may be economically inconvenient is not of such weight as to suggest the compliance period should be extended. The appeal on ground (g) fails.

Simon Hand

Inspector