

Appeal Decision

Hearing held on 26 April 2017

Site visit made on 26 April 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/E1855/W/16/3164484

**Grove House Yard, Tewkesbury Road, Upton upon Severn, Worcestershire
WR8 0PW**

- 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 M Southall of Dynamic Construction Ltd against the decision of Worcestershire County Council.
 - The application Ref 16/000002/CM, dated 19 February 2016, was refused by notice dated 26 September 2016.
 - The development proposed is extension of a yard associated with an existing waste transfer station.
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Decision

1. The appeal is dismissed.

Main Issues

2. From all that I have read, heard and seen the main issues in the appeal are:
 - i) whether or not the proposal would accord with planning policy for the location of waste facilities;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) whether or not there are benefits that would outweigh any conflict with planning policy.

Reasons

Planning policy for the location of waste facilities

3. Grove House Yard is a small business park which is within the open countryside adjacent to the A38 Tewkesbury Road. The existing waste transfer station consists of a building with adjacent yard areas. The facility processes construction and demolition waste, a proportion of which is used by the appellant in his ground works business. Other waste is collected for recycling and only a small proportion (about 15%) goes to landfill. Sorting and storage of the waste takes place in the building although some baled waste is stored under an external lean-to structure. The yard areas are used for storage of empty skips and parking of vehicles and I saw on my visit that some inert materials are stored externally in an area next to an adjacent concrete batching plant. Some of the inert material is sourced from quarries. An access
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road to the concrete batching plant runs directly adjacent to the facility and divides it into two areas.

4. Planning permission was granted for an extension, which would approximately double the size of the existing building, in May 2015¹. The appellant is concerned that if this were built it would unduly restrict operation in terms of vehicle movement particularly in association with the access road and necessary external activities including skip storage. It is not proposed to increase the volume of waste processed but the yard extension would allow for more efficient operation. The proposal would provide a car park for employees, bays for storage of inert materials and areas for skip storage as well as vehicle manoeuvring and parking areas.
5. Policy WCS 6 of the Waste Core Strategy² (WCS) concerns proposals for new waste management facilities and provides a table which identifies compatible land uses for different types of waste facility. In that table, enclosed facilities for re-use and recycling and other unenclosed facilities are incompatible with green field land. The proposed yard extension including the storage bays would be an unenclosed facility. The Council considers that the proposal would be a new waste management facility for the purposes of that policy and has referred to an appeal decision³ to support its contention. That decision concerned extension of an existing waste storage area together with the erection of a building for use as a waste transfer station. In that case the Inspector found that policy WCS 6 was relevant and that the proposal in that appeal did not accord with that policy.
6. Policy WCS 6 of the WCS is permissive and does not necessarily preclude the use of green field land for new or extended facilities. Its requirements are consistent with the National Planning Policy for Waste which states that waste planning authorities should give priority to the re-use of previously-developed land, sites identified for employment uses and redundant agricultural and forestry buildings. It is also consistent with the core planning principle in the National Planning Policy Framework (the Framework) of taking account of the character of different areas and recognising the intrinsic character and beauty of the countryside. Although the proposal is for an extension to an existing facility it would be of significant scale at about 0.37 ha or about one third the size of the existing facility. It would include open storage bins for inert material which would be a new activity not currently authorised. For these reasons as a matter of fact and degree I find that the proposal would amount to a new waste management facility for the purposes of policy WCS 6 and that it would not accord with that policy.
7. Policies WCS 2 and WCS 3 of the WCS provide for new waste management capacity and the geographical location of new facilities. The proposal would not provide additional capacity in terms of the volume of waste processed but it would improve the existing facility. The site is in an area identified on Figure 14 of the WCS as the lowest level of the geographic hierarchy but it has good access to the strategic road network and waste is taken from about a 20 mile radius which includes the urban areas of Malvern, Tewkesbury, Worcester and Gloucester. Policy WCS 3 allows for re-use or recycling facilities at all levels in the geographic hierarchy. The proposal would accord with policies WCS 2 and

¹ Ref 14/000045/CM

² Worcestershire Waste Core Strategy (2012)

³ Ref APP/E1855/A/14/2215468

WCS 3 of the WCS. However policy WCS 6 is a key provision in terms of compatible land use. On this basis I find that the proposal would not accord with planning policy for the location of waste facilities.

Character and Appearance

8. The proposal would extend the waste transfer station into open countryside. This forms part of an attractive landscape with rolling topography and the Malvern Hills visible in the distance. The immediately surrounding landscape is agricultural with hedges and trees along field boundaries. The 'Estates Farmland' Landscape Character Area (LCA) includes the business park and extends to the north. This LCA has country houses and designed parklands with blocks of woodland. The site with the exception of small variations along the boundary is within the 'Settled Farmlands on River Terraces' LCA. This is predominantly agricultural land on gently rolling topography. To the east of the site is a public footpath which is on a ridge at a higher level providing views across the site and the business park towards the Malvern Hills.
9. The site is at a lower level than the business park and adjoins a land drain. Its level limits its visual prominence from the main road but the site is visible and prominent from the nearby footpath. It can also be seen from the rear of dwellings to the south as well as from Strensham Road. I saw that young trees have recently been planted along the opposite side of the drain. The appellant also proposes tree planting along the site boundary. Together these features would screen the site from view from the footpath to some extent when grown but it is nevertheless likely that the stacked skips, bays and vehicles would remain visible from the path given that it is at a much higher level.
10. The new hedge proposed to be planted across the field boundary to the south of the business park would when grown provide visual screening of the site when viewed from the rear of some of the dwellings to the south at Ryall Grove. However there are other dwellings off Green Lane from which the site would remain visible. There are also a number of flats within the business park and directly adjoining the existing waste transfer station. The proposal would not only be visible from those flats it would result in them being substantially surrounded by industrial activity.
11. Thus notwithstanding the proposed landscaping measures the development would remain clearly visible from a number of public and private viewpoints nearby. Because of its industrial appearance and its significant scale the proposal would be unacceptably visually intrusive in the context of the open landscape. Although the proposed planting would enhance the field boundaries, for the reasons given it would not sufficiently mitigate the visual harm that would arise from the proposal. This would not accord with policy WCS 12 of the WCS which requires protection and enhancement of local characteristics.
12. Policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan (2016) (SWDP) similarly require that development complements the character of the area including in terms of landscape quality and that they are appropriate to, and integrate with the character of the landscape setting. For the reasons given the proposal would not accord with those policies. I conclude on this issue that the proposal would unacceptably harm the character and appearance of the area.

Other Considerations

13. Paragraph 28 of the Framework states that policies should support economic growth in rural areas by taking a positive approach to sustainable new development. A number of development plan policies also have this aim. Policy SWDP 12 of the SWDP supports the expansion of existing employment sites in rural areas where it has been demonstrated that intensification of the existing site is not viable or practical. Policy SWDP 8 supports proposals that would create jobs provided that the scale is appropriate to the location. Policy WCS 15 of the WCS also supports waste management facilities that benefit the economy. The proposal would accord with policies SWDP 12 and WCS 15 but I have already found that the scale would not be appropriate to the location and on this basis the proposal would not accord with policy SWDP 8.
14. Conditions attached to the existing permission require waste storage and sorting to take place within the building. The appellant has explained that the growth of the business has resulted in the existing building being of limited size to accommodate the volume of waste processed. Although permission has been granted for an extension this would constrain external activity and movements. The benefit to the business of providing additional parking and storage space may help to secure the future of the business on its existing site. The proposal would be of benefit to the local economy through providing 6 additional full-time jobs and supporting other local businesses. Given the proximity to residential areas to the south and the local employment that would be secured I give this matter moderate weight.
15. The facility provides for re-use and recycling in accordance with the waste hierarchy. The appellant explained that there is a lack of similar facilities in the local area and it provides for local need. There is a 'capacity gap' in the County whereby the waste arising is greater than the capacity to treat it as identified in the WCS⁴. The existing facility is thus of value in terms of the sustainable treatment of waste. However no additional capacity is proposed and for this reason I can give only limited weight in this regard.
16. Car parking space for employees at the existing facility is very limited and this has resulted in the creation of an unauthorised car park to the south. An appeal⁵ concerning that facility has been dismissed. While the proposal would provide a car park this element would encroach into the countryside similarly to the unauthorised facility.
17. I have found that the proposed new planting would not be sufficient to mitigate the visual harm of the proposal and on this basis this would not be a benefit. Opportunities for biodiversity could potentially be enhanced by the proposed new planting in conjunction with the new pond that is proposed. The Preliminary Ecological Appraisal indicates limited potential for wildlife in the immediately surrounding area. While the new planting may be of general benefit to biodiversity there is no evidence before me to demonstrate any specific benefit in this regard. On this basis I give limited weight to this consideration.

⁴ WCS paragraph 2.41

⁵ APP/J1860/W/16/3145698

Overall

18. I have found that the proposal would accord with development plan policies which support rural employment. It would also be in general accordance with the provisions of the WCS in terms of waste management capacity and the geographic location of facilities. However the proposal would not accord with key provisions of the WCS and the SWDP which seek to safeguard the character and appearance of the area and the landscape. The restriction of new waste management facilities on green field land forms part of this requirement. For these reasons the proposal would not accord with the development plan as a whole.
19. The conflict with the development plan carries substantial weight. In addition to this I give significant weight to the harm to the character and appearance of the area that I have identified. The moderate and limited weights that I have given to the benefits of the proposal would not be sufficient to outweigh those weights.
20. The additional employment would accord with the economic dimension of sustainable development as would the continued support for local businesses. By contributing to the local economy the proposal would also be supportive of the local community which would accord with the social dimension. Continued operation of the facility would accord with the environmental dimension in terms of the sustainable treatment of waste. However I have identified clear harm to the character and appearance of the area and this aspect would significantly conflict with that dimension. When considered as a whole the proposal would not be a sustainable form of development.

Conclusion

21. I have taken into account all other matters raised, including the letters of support for the proposal. However for the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Timothy Jones, of Counsel

Mark Southall

Ben Greenaway

Robert Jolly

Douglas Allenby BA (Hons), BLD, CMLI, IMaPS

EJ Planning Ltd

EJ Planning Ltd

Landscape Matters

FOR THE LOCAL PLANNING AUTHORITY:

Steven Aldridge

Tom Pollock

Senior Principal Planner

Solicitor

INTERESTED PERSONS:

Jeremy Owenson

Elizabeth Stallard

District Councillor

Local resident

DOCUMENT SUBMITTED AT THE HEARING

Drawing No. LS6191/P/L/004A Preliminary SuDS Section