



Appeal Decision

Site visit made on 20 November 2018

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2018

Appeal Ref: APP/K2230/W/18/3198193

Former Norbond site, Sole Street, Cobham DA13 9AE

- 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 Palm Developments Ltd and Colas against the decision of Gravesham Borough Council.
 - The application Ref 20171274, dated 23 November 2017, was refused by notice dated 5 March 2018.
 - The development proposed is the change of use to establish a vehicle depot for highway maintenance and traffic management works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.

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 and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the intrinsic character and beauty of the landscape;
 - The effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site;
 - The effect of the proposal on the living conditions of occupiers of nearby dwellings with particular regard to light, noise and disturbance;
 - Whether there are other considerations weighing in favour of the proposal; and

- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

4. The proposal would result in a change of use of the land to a vehicle depot to be operated by Colas, who carry out highways maintenance and traffic management programmes on behalf of local authorities and Highways England. Limited information has been provided as to what area the proposed depot would service, although I note that the company operates nationally. The depot would be used for parking of vehicles that would exit and enter the site twice per night on average. A number of buildings of modular construction would be brought onto the site, along with two steel containers to be used for storage.
5. Policy CS02 of the Gravesham Local Plan Core Strategy (CS) states that development within the Green Belt will be supported where it is compatible with national policies. The Framework provides national planning policy on the Green Belt and states that certain forms of development are not inappropriate provided they preserve openness of the Green Belt and do not conflict with the purposes of including land within it. This includes local transport infrastructure which can demonstrate a requirement for a Green Belt location.
6. In the context of transport infrastructure the Framework does not define local. The evidence supplied with this appeal is unclear as to the extent of the highways maintenance and traffic management programmes serviced by the depot in order to ascertain whether they are local. I note that Colas operate nationally, the proposed depot needs good access to the motorway network and it is indicated that they have searched for a site over several local planning authority areas. This indicates that the depot would operate on a more than local basis and that it could be operated from a site outside the Green Belt. On that basis, the proposal would not comprise local transport infrastructure and it would not require a Green Belt location.
7. The existing site comprises hard surfacing in the form of concrete surfacing or hardstanding, some of which is the remains of previous buildings. It is surrounded by planting and bunds, which limits the visibility of that hardstanding in the wider area, and accessed through the station car park. The proposal would result in parking of a substantial number of large vehicles as well as the siting of modular buildings and containers. These would substantially alter the appearance of the site that currently appears open. Consequently, the proposed development would harm the openness of the Green Belt and would result in the encroachment of development into the countryside that would conflict with the purposes of including land within the Green Belt.
8. My attention has been drawn to an appeal decision¹ relating to an extension to HGV parking at a motorway service area on the M25. It concluded that, although many of the users would be taking breaks from journeys that might reasonably be considered greater than local in length, provision in that case comprised local transport infrastructure. Given that the M25 lies within the

¹ Appeal Reference APP/K3605/W/17/3187505

Green Belt, it also concluded that the proposal required a Green Belt location. That HGV parking was in the context of substantial parking areas and motorway service area buildings that limited the effect of the extension on openness. That was for a significantly different use that would meet a significantly different need and, consequently, is not comparable to the proposals in this case.

9. My attention has also been drawn to the exception to inappropriate development that would allow new buildings in the Green Belt comprising the partial or complete redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The Framework confirms that previously developed land includes land which was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This would exclude land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
10. The hard surfacing on the site remains and is exposed, such that the remains of the structure and fixed surface infrastructure have not blended into the landscape. I have limited information as to the extent and size of the previous buildings and they were, in any event, removed some time ago.
11. The proposals would result in the modular buildings being placed on the surfaces, as well as parking vehicles over much of the site. Whilst the buildings are described as temporary and the nature of their construction means that they could be easily removed or replaced, the form of application would result in them being permanently located on the site. The development would comprise redevelopment of a previously developed site, albeit redundant, but, as I have concluded above, it would have a greater impact on the openness of the Green Belt than the existing development.
12. For these reasons, I conclude that the proposed change of use to a vehicle depot for highways maintenance and traffic management programmes would be inappropriate development that would harm the openness of the Green Belt. As such, it would not comply with the Framework and, as a consequence, it would conflict with Policy CS02 of the CS.

Landscape

13. The proposed development would be located adjacent to the railway and on hardstanding with access through the neighbouring station car park, within the Meophan Downs Character Area. The station and adjacent public house are located close to the road, with residential development opposite. To the other sides of the site are open fields. Over the railway from the entrance to the site and location of the proposed buildings is development within the settlement of Sole Street with woodland beyond.
14. The proposal would result in the extension of parking areas along the railway and beyond the extent of development on the opposite side of the railway, along with the temporary buildings a significant distance from other buildings fronting the road. Although there have previously been buildings in this location, this would extend built development into the landscape around the settlement of Sole Street. In addition, the vehicle movements would result in an increase in light and noise within the landscape. Despite the planting around

the boundaries of the site that would reduce the visual impact of the development to some extent, the industrial nature of the development would appear incongruous in the surrounding rural landscape.

15. For these reasons, I conclude that the proposed vehicle depot would harm the intrinsic character and beauty of the landscape. As such, it would be contrary to CS12 and CS19 of the CS that seek development to be visually attractive and that the overall landscape character of the area will be conserved, restored and enhanced.

Highway

16. The vehicle depot would share an access with the station car park. Although adjacent to Sole Street, this is a remote location from most services and facilities and most of the highway network it is likely to serve. Access to the proposed development would be along country lanes, with the proposal introducing larger vehicles to support highways maintenance and traffic management programmes.
17. I note that it has been suggested that routeing of traffic from the site could be controlled by condition to ensure that larger vehicles are directed to suitable roads. Nevertheless, it is unclear whether such a condition could be enforced in order to overcome the effect of vehicles from the site safely accessing the road network. Although a legal agreement for these purposes has been suggested, none has been provided.
18. The route through the station car park would provide space and visibility for vehicles to manoeuvre safely through that space. Visibility splays could be provided at the access to the station car park. As a result, the proposals would not affect the safety of users of the station car park or users of the highway directly outside the site.
19. For these reasons, I conclude that access along the surrounding road network would harm the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, the proposal would be contrary to Policies CS11 of the CS, T1 and T5 of the Gravesham Local Plan (LP) and the Framework that seek new development to mitigate its impact on the highway, to ensure the intensification of use of accesses would not result in danger and resist development outside the confines of the built up area that generates significant vehicular traffic.

Living conditions

20. The former Norbond site is located over the railway from the nearest residential development. The access from Sole Street is located adjacent to the public house and opposite other residential development, albeit that is set back from the road.
21. The proposed vehicle depot would result in vehicles coming and going from the site to access the road network to carry out highways maintenance and traffic management programmes. I understand that the majority of operations are undertaken during the night for highway safety reasons. This would result in additional noise and light from vehicles manoeuvring and other works on the site, particularly at sensitive times during the night.

22. I accept that the appeal site is separated from the nearest houses by the railway and the sound of trains and vehicles moving around the existing station car park mean that this is not a particularly quiet location. Nevertheless, there would be some additional disturbance from the proposed activities, particularly in relation to vehicles manoeuvring around the site. It would also result in light from the vehicles manoeuvring and any security lighting affecting the living conditions of occupiers of surrounding dwellings. Security lighting could be controlled with PIR sensors or via condition, but this would not wholly overcome the harm I have found.
23. For these reasons, I conclude that the proposed development would result in harm to the living conditions of occupiers of nearby dwellings by reason of light, noise and disturbance. As such, the proposed development would be contrary to Policy CS19 of the CS and the Framework that seeks development to be fit for purpose, including that it should safeguard the living conditions of occupants of neighbouring properties.

Other matters

24. It has been suggested that temporary planning permission could allow the implications of the use to be assessed over time. However, the proposals would remain inappropriate development within the Green Belt that would harm openness and it would not reduce the effect of the development on landscape character, at least for that temporary period.
25. The proposal would support the generation of employment, which would have positive social and economic benefits.

Conclusion

26. I have found that the proposed vehicle depot for highway maintenance and traffic management works, including siting of modular buildings and containers, would harm the openness of the Green Belt. It is unclear whether it would constitute local transport infrastructure and it has not been demonstrated that it requires a Green Belt location. Neither does it fall within the exception to inappropriate development relating to the partial or complete redevelopment of previously developed sites. As such, it would not fall within the exceptions to inappropriate development as defined in the Framework. The Framework states that substantial weight should be given to any harm to the Green Belt.
27. In addition, I have concluded that the proposed development would result in harm to the landscape and scenic beauty, it would result in harm to highway safety that could not be overcome by condition and would harm the living conditions of occupiers of surrounding dwellings. As a result, the proposal would be contrary to Policies CS11, CS12 and CS19 of the CS, Policies T1 and T5 of the LP and the Framework.
28. I have considered whether the proposal could be approved for a temporary period and note that it would have modest social and economic benefits in terms of providing employment.
29. Taking all these factors into account, I conclude that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed, either individually or cumulatively, by other considerations sufficient to demonstrate very special circumstances. As such, the proposed development is

contrary to Policy CS02 and the Framework that seek to protect the Green Belt from inappropriate development.

30. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR