
Appeal Decision

Site visit made on 9 April 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 April 2019

Appeal Ref: APP/B3600/W/18/3201180

Normandy Auto Salvage, Chapel Farm, Normandy, Surrey GU3 2BJ

- 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 Aldershot Car Spares against the decision of Surrey County Council.
 - The application Ref GU09/P/00482, dated 23 January 2009 and amended on 7 March 2016, was refused by notice dated 26 October 2017.
 - The development proposed is replacement de-pollution building.
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Decision

1. I allow the appeal and grant planning permission for replacement de-pollution building at Normandy Auto Salvage, Chapel Farm, Normandy, Surrey GU3 2BJ in accordance with the terms of the application Ref; GU09/P/00482, dated 23 January 2009 and amended on 7 March 2016, subject to conditions 1) to 6) on the attached schedule.

Preliminary Findings

2. The original application in 2009 included numerous elements which have since been granted permission, so that the Application Form as amended on 7 March 2016 was for the replacement building as set out in the bullet points above.
3. The proposal is for the construction of a new building in the Green Belt and does not fall into any of the exceptions in paragraph 145 of the 2019 National Planning Policy Framework. In particular, although it is for the replacement of an existing building and would contain the uses carried out in the existing building, together with other activities, the proposed new building is materially larger than that which it would replace.
4. The fact that the proposal should be considered as inappropriate development has been accepted by the main parties as both refer to the existence or otherwise of other considerations amounting to very special circumstances.
5. The established and lawful use of the site is as a vehicle salvage and spares yard involving the storage and dismantling of vehicles at the end of their life, with the re-use of parts and the re-cycling of remains. That use has been legitimised by way of a Certificate of Lawfulness and there are no planning conditions of restrictions as to the number of vehicles that can be stored or scrapped at the site, vehicle movements, hours of operation, external lighting, noise levels, the height of stored vehicles or material, confining uses to specific parts of the site, secure boundary treatment, drainage of the site, nor in the view of the appellant, any other material planning consideration.

Main Issues

6. These are;

- The effect of the proposal on the openness of the Green Belt and the purposes of including land within the Green Belt, and on the character and appearance of the area.
- The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to daylight.
- The planning and Green Belt balance.

Reasons

Policy

7. Policy CW6 of the Surrey Waste Plan 2008 states a presumption against inappropriate waste-related development in the Green Belt except in very special circumstances, followed by a list of considerations which may contribute to very special circumstances; i) the lack of suitable non-Green Belt sites; ii) the need to find locations well related to the source of waste arisings; iii) the characteristics of the site; and iv) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites. Policy DC3 provides for waste-related development to be granted permission where it can be shown that any impacts can be controlled so as to not significantly adversely affect people, land, infrastructure and resources. Matters listed for assessment and possibly mitigation include the visual and landscape impact, high quality design and adverse impacts on neighbouring amenity.
8. Saved Policy RE2 of the Guildford Borough Local Plan 2003 states that new buildings in the Green Belt will be deemed inappropriate unless for stated purposes, and although the Plan was adopted prior to the publication of the 2012 Framework, the policy is consistent with more recent national policy so far as relevant to the appeal proposals. Policy G1 on general standards of development contains sub-section G1(3) on the protection of amenities enjoyed by occupants of buildings. Policy G5 introduces design requirements with the following sub-sections referenced in the Reasons for Refusal; G5(1) on the context for design; (2) on respecting the scale, height and proportions, and materials of the surrounding environment; (3) where existing spaces of value around buildings are to be respected; (5) the built layout is to be easily understood with areas of identifiable character; (6) on protecting important public views; and (7) where materials are to be of a high standard and harmonise with the surrounding design, be durable and reinforce the identity and character of the area.
9. Paragraphs 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, substantial weight is to be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The appellant has also drawn attention to sections of the Framework on sustainable development,

building a strong competitive economy including supporting a prosperous rural economy, and conserving and enhancing the natural environment.

10. The National Planning Policy for Waste was published in October 2014 and includes the need for authorities to, among other things, drive waste management up the waste hierarchy set out in Appendix A, where the higher solutions are recycling then preparing for re-use, over recovery and at the lowest point, disposal. Appendix B lists locational criteria including consideration of the proximity of sensitive receptors.

Openness, Purposes of the Green Belt, Character and Appearance

11. The reasons for refusal do not identify additional Green Belt harm as Reason for Refusal 3 lists harm by reason of being inappropriate development and the 'any other harm' with regard to Reasons 1 and 2 are an adverse impact on the local landscape and an adverse impact on the amenities of adjacent occupiers.
12. Photographs have been supplied of vehicles awaiting, or in the process of, the recovery of components and scrapping being stacked to a significant height and as stated in the Preliminary Findings, there is no control over the height of stored vehicles or material. There would however be other considerations, such as mechanical handling and safety, tending to limit the likely actual height of storage.
13. The fact that the operations taking place at the time of the site inspection were restricted to the recovery and open storage of engines, and then at a low level below the height of the surrounding concrete walls, carries limited weight in view of the lack of restrictions in any event, and an operator could revert to the storage, recovery and scrapping of complete cars. On that basis, the Council's approach is concurred with and there would be no change to the effect on openness, other than the building being a known height, and controlled to be in compliance with the drawings.
14. On the purposes of including land within the Green Belt, it is material to consider the situation of the site, having other established uses on three sides and a building to the north at Whitley Manor Farm. That was the subject of an Appeal Decision granting change of use of the existing building to a mixed use of agriculture, storage, vehicle, plant and machinery repair and for the construction of an area of hardstanding (Ref: APP/Y3615/A/12/2181897 dated 14 August 2013). The current appeal building, within an existing open yard, would not jeopardise the purpose of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, or assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.
15. That leaves the question of the effect on the local landscape and the Council's claim that the building would appear as an incongruous element in the surrounding rural setting, adversely affecting the visual amenity for users of local footpaths and the residents of the adjacent mobile homes, by virtue of its scale. The view from the entrance of the complex, which includes other uses and buildings closer to the road, is of commercial activity, and footpaths as well as the private places referred to by the Council provide a closer view of the appeal site itself, which could, again as previously stated, include that of stacked vehicles in various states of being dismantled or scrapped. Whilst it

appears doubtful if such stacking could reach the height of the proposed building, but the visual effect could be worse even if lower.

16. The surroundings of the site, its setting, are not truly rural due to the mixed use of the building at Whitley Manor Farm and the adjoining commercial uses, and whilst the residential use of the park homes is of a lower density with space between the mobile homes, this is not a rural character and appearance. There is a listed building nearby referred to in the Officer's Report, but its setting for the purposes of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not extend to the site of the proposed building and the Historic Buildings Officer considers that the tranquillity of the immediate area may be slightly improved as a result of some existing activities being moved to within the proposed building.
17. The replacement of the ability to store at uncontrolled height, and to expose to view the remains of cars being scrapped, together with external lighting, another item over which there is no control, with a known design of building, would not cause harm to the landscape character of the area, and could be considered a benefit, which will be looked at in the Planning and Green Belt Balance. The proposal would not be contrary to the relevant parts of Policies DC3 and G5, or policy in the Framework aimed at protecting landscape character.

Living Conditions

18. The Reason for Refusal is very specific as to a reduction in access to daylight, and as the 2 mobile homes referred to are to the south and east of the site, a reduction in direct sunlight would be unlikely.
19. Drawing GU/206/1/IE/106A that has been supplied to the appeal, shows a cross-section through the site at the boundary with each of mobile homes numbered 37 and 39, with the benefit of the proposed lower east end to the building and the space between it and the boundary. In both cases a 45° line drawn from the highest and closest extremity of the proposed building does not intersect any windows on the relevant residential unit, and there would be areas of open space to the side of the proposed building as well as away from the other 3 sides of each unit, that would have an unchanged sky component.
20. It is clear from the representation to the original application and to the appeal that opposition is strongly felt, and that cannot be entirely put down to the proposal for a building but appears to stem from other alleged problems resulting from the proximity of a residential use to a vehicle reclamation business. Whilst any building of the height proposed would bring about a change in the outlook and access to daylight, that result would not significantly adversely affect the living conditions of neighbouring occupiers, the terms of Policy DC3, and the effect would be within the provisions of Policies G1(3) and G5(2).

Planning and Green Belt Balance

21. Harm has been found to the Green Belt through this being inappropriate development, but no other Green Belt harm has been identified. Nevertheless, as stated at paragraph 144 of the Framework, substantial weight should be given to any harm to the Green Belt. Whilst the landscape character of the area and the living conditions of adjacent residential occupiers have been

considered, that exercise has not identified 'any other harm'. It is necessary now to see whether 'other considerations' amount to the 'very special circumstances' so as to allow inappropriate development.

22. Looking at the list of considerations in Policy CW6;

i) the lack of suitable non-Green Belt sites; The appellant points to the high proportion of the County that is designated Green Belt and the established nature of the operation. The proposal is not for a new waste-related operation, but for the erection of a building, and the operation would continue in the Green Belt in any event. There does not appear to be a viable imperative for this operator to relocate to a site outside the Green Belt, and unless particular steps were taken to extinguish the use, the planning use would remain.

ii) the need to find locations well related to the source of waste arisings; Less weight attaches to this, as vehicles reaching the end of their life are not geographically constrained to the Green Belt, but the site is within a reasonable distance of substantial urban areas where such vehicles would tend to be more concentrated.

iii) the characteristics of the site; Whilst not a positive consideration, no further harm has been identified, although the relationship with the nearby residential use is close. The site itself, as the wording of the policy, has the benefit of other infrastructure, such as controlled run-off and collection of possible pollutants, hardstanding, and a recent good-quality amenity and office building.

iv) the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites; The safe and sustainable reclamation and re-use of vehicle components is towards the top of the waste hierarchy, and the building would assist in that process. There would be environmental benefits from containing more of the process within a building, both as a visual improvement over stacked vehicles, and as a way of controlling air quality and noise more effectively. The present operation stores engines for sale and re-use in the open with the risk of damage by rain so that working and storing under-cover would have economic benefits.

23. Fears have been expressed over the possibility of the improvement in working practices leading to a greater throughput and more vehicle movements into and away from the site, but that concern has not been supported at an official level, so that full weight attaches to the economic benefits accruing.

24. Having mind to the unrestricted operation referred to in the Preliminary Findings, on throughput or numbers of vehicles on site, hours of working, lighting, noise or height of storage in particular, the physical control provided by a building would be a benefit to the wider environment and the living conditions of neighbouring occupiers. The appellant does not object to the imposition of a condition restricting the hours of activities authorised to be carried out within the building, and that and the other conditions would bring about benefits not presently available or enforceable.

25. It is the case that noise studies have not shown a specific reduction, and containment could result in an element of reverberation within the building, but with the open end facing away from residential uses, the risks of any untoward acoustic effect appear limited, but a condition requiring a noise assessment

over the use of any plant within the building would address that risk, so that benefit accrues over the present situation of open working.

26. In the balance therefore, it is concluded that other considerations do amount to the very special circumstances necessary in order to allow inappropriate development in the Green Belt, and that permission should be granted.

Conditions

27. The Council has supplied a set of conditions and the appellant has commented on them. With regard to the commencement time limit, there is no requirement in either section 91(1)(a) of the 1990 Act nor section 51(1) of the 2004 Act requiring such notice to be given and no special reason has been given for that addition.
28. It is reasonable and necessary to attach a condition over the hours of use of lighting and activities within the building, and the need for an environmental noise assessment, as full weight has been attached to this as a benefit not otherwise achievable. A condition regarding the storage of oils is also necessary and reasonable having mind to the nature of the development.
29. A Construction Transport Management Plan is not required in order to control most of the activities referred to in suggested Condition 4) as the site is fully paved, has sufficient room to carry out the storage, offloading, parking and turning, and the risk of materials being deposited on the highway and of harm through goods vehicle movements would be no more than during the permitted waste operations. It would however be reasonable to attach a condition over times of construction work to match those now proposed for the waste operation within the building.
30. There is no need for a new drainage condition as the site is already has a compliant system to prevent pollution, the roofing over of the same activities would not lead to additional run off, and that which does run off the roof would be free of contaminants.
31. A condition naming the 'as proposed' drawings is required for the avoidance of doubt. The Council has suggested 'informatives' but these appear not to be necessary as conditions, although the appellant has noted their contents. Number 1 is not appropriate to this full planning permission.

Conclusions

32. The proposal is inappropriate development in the Green Belt, and substantial weight should be given to any harm to the Green Belt. No other harm has been identified and there are benefits to the scheme that as other considerations amount to the very special circumstances necessary to permit such development. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GU/206/1/IE/101, GU/206/1/IE/102, GU/206/1/IE/103A, GU/206/1/IE/104, GU/206/1/IE/106A, and GU/206/1/IE/107A.
- 3) The construction work for the building hereby permitted shall not be carried out other than between 0700 to 1730 hours Monday to Friday and 0700 to 1700 hours on Saturday. No such work shall be carried out on Sundays or on Bank, Public or National Holidays.
- 4) No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out within the building other than between 0700 to 1730 hours Monday to Friday and 0700 to 1700 hours on Saturday. No operations or activities shall be undertaken within the building on Sundays or on Bank, Public or National Holidays. This condition shall not prevent working in emergencies to maintain safe site operations. Such emergencies shall be notified to the County Planning Authority in writing as soon as practicable and in any case within 5 working days.
- 5) Any facilities for the storage of oils, fuels and chemicals shall be provided with secondary containment that is impermeable to both the oils, fuels and chemicals and water, for example a bund, details of which shall be submitted to the County Planning Authority for approval. The approved details shall be implemented and thereafter maintained for the duration of the development hereby permitted.
- 6) No plant, including any shear baler, shall be sited or operated within the building hereby permitted until such time as an environmental noise assessment demonstrating that noise to be generated by that plant would be acceptable has been submitted to and approved in writing by the County Planning Authority.