

Appeal Decision

Site visit made on 6 May 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 26th July 2019

Appeal Ref: APP/V4250/W/19/3223633

Evergreen Farm, Lower Green Lane, Astley, Tyldesley M29 7JZ

- 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 & Mrs Armstrong against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/18/86161/FULL, dated 24 September 2018, was refused by notice dated 19 December 2018.
 - The development is the use of land for the storage of empty skips and skip wagons and positioning of caravan for mess and shelter use for stables.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The appeal site is being used for the storage of skips and skip wagons, and the caravan is present. I have therefore determined the appeal on the basis that retrospective permission is sought for a) the siting of the caravan and b) the change of use which has already taken place. As they are severable from one another and different forms of development, I have addressed the issues arising from each one separately before coming to my overall conclusion in relation to the scheme as a whole.
3. The plans that were considered by the Council and which have been submitted with the appeal do not include a site layout. I have therefore determined the appeal on the basis of what I saw on the site.

Main Issues

4. The main issues are:
 - i) Whether or not the siting of the caravan and the use of the site for storage purposes are forms of inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and relevant development plan policies;
 - ii) The effect of both elements of the scheme on the character and appearance of the countryside; and
 - iii) If the scheme is inappropriate development, whether the harm by reason or inappropriateness or any other harm, is clearly outweighed by

other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposals are inappropriate development in the Green Belt

5. The appeal site is located to the rear of Evergreen Farm, a complex of development which includes a residential dwelling, stables and a manege, dog kennels and various other structures. To the north of Evergreen Farm, Lower Green Lane has the appearance of a rural road with scattered dwellings and farmsteads characteristic of the countryside. Offices and large commercial and industrial premises to the south and on the opposite side of the road from the appeal site result in a more urban character and appearance. However, away from the largely linear development along the road, the area is characterised by large swathes of open and undeveloped countryside. The appeal site is in the Green Belt.
6. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Policy CP8 of the Wigan Local Plan Core Strategy Development Plan Document Adopted September 2013 (the Core Strategy) sets out that development within the Green Belt will only be allowed in accordance with national planning policy. In this respect, paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions. Paragraph 146 states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The two elements of the scheme therefore require separate consideration and are dealt with in turn, below.
 - a) *Appropriate facilities for outdoor sport or outdoor recreation*
8. Paragraph 145 b) of the Framework relates to the provision of appropriate facilities for outdoor sport or outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The caravan is used as a mess and shelter in connection with the operation of the stables. Plans submitted to the appeal do not include any details of appearance, layout or scale. However, I observed that it is currently located adjacent to the site boundary to the rear of the manege and it is a large static caravan such as could be used as overnight accommodation.
10. I accept that the caravan provides mess facilities and shelter. However, given that the equestrian use of the site is not new, there is little evidence before me to justify the need for new or additional mess facilities or which establishes those requirements in terms of its size, scale and siting. Moreover, while the appellant considers that none of the existing buildings can accommodate the necessary mess facilities, there is no substantive evidence to demonstrate that appropriate facilities could not be accommodated by alternative means including within existing buildings or through a smaller building in a different location. It has not therefore been demonstrated that the caravan constitutes 'appropriate facilities' for the purposes of paragraph 145b) of the Framework.

11. Paragraph 145 b) also requires that the openness of the Green Belt is preserved. Paragraph 133 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it includes both spatial and visual dimensions.
12. The caravan is located immediately adjacent to the manege and within the existing yard area. It does not therefore result in a significant spatial loss of openness. However, and despite being set back from the road, the caravan is visible in part behind the fence to the front of the manege. The introduction of a new structure in this location has a visual impact on openness. It also increases the bulk, number and spread of buildings and structures at this site, resulting in a cumulative effect on openness. Although modest in size, the caravan nevertheless results in a small loss of openness of the Green Belt in this location which I consider to be harmful.

b) Material changes in the use of the land

13. Paragraph 146 e) allows for material changes in the use of land (such as changes for use for outdoor sport or recreation, or for cemeteries and burial grounds), provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
14. There is no dispute that the skip hire business does not meet the exception criteria. The change of use of the appeal site is therefore inappropriate development in the Green Belt.
15. There are no site layout plans which illustrate the location of skip storage and there were no skips present at the time of my visit. The evidence indicates that skips are stored on the part of the appeal site which extends into the countryside to the rear of the Evergreen Farm complex. Although this area is somewhat modest in size, and therefore suitable for a limited number of skips and vehicles, the change of use relates to the whole of the appeal site. In this respect, there is nothing before me to quantify the scale of the business or to prevent future intensification of use of the appeal site.
16. The area currently used for skip storage is surrounded by close-boarded timber fencing and there are various other structures and buildings in this area, including storage containers and dog kennels. The appellant states that the area was previously used to park horse boxes and to turn horses out and was already hard surfaced. However, representations have been made which suggest that hardcore has been put down to facilitate the change of use of the land. The hardstanding results in a small spatial loss of openness of the Green Belt. Furthermore, the presence of skips and vehicles will result in a visual impact on the openness of the Green Belt. The skip hire business is additional to the existing equestrian use and there will therefore be a cumulative increase in the quantum of development at the site with consequent loss of openness, in combination with horse boxes and other equestrian paraphernalia.
17. The current occupiers of Evergreen Farm intend the skip hire business to be secondary to the established equestrian use of the site. However, the change of use relates to the whole of the appeal site, and there could therefore be an increase in the number and type of skips, vehicles and vehicle movements at the site. The skip business is also operating without any apparent restrictions on the hours of operation. Therefore, and notwithstanding the current size of the existing skip hire business or the intentions of the current occupiers of

Evergreen Farm, there would be nothing to prevent the change of use from resulting in a moderate loss of openness of the Green Belt.

c) Findings

18. I have found that the caravan and the change of use of the land are both inappropriate forms of development in the Green Belt. The caravan is not an appropriate facility for outdoor sport or outdoor recreation that preserves the openness of the Green Belt. The change of use is not of a type permitted by the Framework and it does not preserve the openness of the Green Belt and it is conflict with the purposes of including land within it. Consequently, the scheme as a whole is inappropriate development that conflicts with Policy CP8 of the Core Strategy and policies in the Framework that protect the Green Belt.

Character and appearance of the countryside

19. The appeal site is to the rear of Evergreen Farm, adjacent to the open countryside. The relatively flat topography allows for unobstructed and long views across open fields with hedgerows, scattered trees and woodland. Notwithstanding the abrupt change in character along Lower Green Lane immediately beyond Evergreen Farm resulting from the significant and extensive commercial and industrial uses in that area, the appeal site is part of a cluster of development along Lower Green Lane that is seen to be in the countryside, in an expansive rural landscape.
20. The caravan is sited within the Evergreen Farm complex and it does not encroach into the countryside. However, when viewed from the road it is visually obtrusive, interrupting the long views of the open countryside and landscape behind the site.
21. The fenced compound where skips are stored is not readily visible from the public highway, being located towards the rear of the property where it is screened from views by vegetation and adjacent development. However, it is immediately adjacent to, and protrudes into, the countryside. The use of the land for a skip hire business is incongruous and out of keeping in the context of the rural and undeveloped countryside to the rear of Evergreen Farm.
22. The existing commercial use will be visually obtrusive when seen from other locations including Oak Villa Farm and the public right of way adjacent to the southern boundary of the site. Potential future expansion within the appeal site would be visible from other locations, including the public highway. In combination with the existing commercial and industrial uses in the surrounding area, the operation of a skip hire business to the rear of the site and adjacent to undeveloped farmed land will result in a cumulative erosion of the rural character of the countryside in this location.
23. I therefore find that the caravan and the change of use result in an adverse effect on the character of the countryside. The appeal scheme is therefore in conflict with Policy CP17 of the Local Plan which requires, among other things, that the environment is protected and unacceptable adverse impacts on amenity are avoided.

Other considerations

24. There is evidence of historic minerals and waste operations in the area, including former coal mining activity. Some of the existing and former uses

pre-date the strong policy protection for the Green Belt. Therefore, while they may provide a functional and visual context for the scheme, uses that were considered in a different policy context are not directly comparable to the appeal scheme. Pre-existing and historic industrial activity in the Green Belt in this area does not weigh in favour of the commercial change of use.

25. My attention has been drawn to the more recent planning history of the immediately adjacent office development¹. While this may represent an extension of commercial activity in the area, the evidence indicates that the scheme was assessed and found to accord with relevant national and local policy for the protection of the Green Belt. This therefore carries neutral weight in my assessment.
26. I understand that the storage of skips and associated vehicle parking is a new business venture for the appellant's son which, if successful, could be relocated to alternative premises. While I appreciate that the appeal site may represent a cost-effective location for the business, a business of this nature does not need to be located in the Green Belt. Neither of these matters are therefore material considerations that weigh in favour of the change of use.
27. The appellant has suggested that a temporary permission be granted for the use of the site in connection with the skip hire business. Given that I have found the development is inappropriate development in the Green Belt, there is no justification to allow it for even a temporary period of time.

Green Belt Balance

28. The static caravan and the storage of skips and vehicles in association with the skip hire business are inappropriate development in the Green Belt and would fail to preserve the openness of the Green Belt. The Framework advises that substantial weight must be given to any harm to the Green Belt. In addition, there would be some limited harm to the character and appearance of the rural countryside resulting from the change of use.
29. Neither the proximity of other industrial uses or any of the other considerations in this case are matters that clearly outweigh the harm to the Green Belt by reason of inappropriateness and a failure to preserve openness. Consequently, the very special circumstances necessary to justify the scheme do not exist.

Conclusion

30. For the reason set out above, the appeal is dismissed.

Sarah Manchester

INSPECTOR

¹ planning application refs A/11/75999, A/12/76580, A/16/82457/FULL, A/16/83456/FULL, A/17/83887/FULL