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## Appeal Decision

Site visit made on 9 October 2019

**by T A Wheeler BSc (Hons) T&RP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 November 2019**

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**Appeal Ref: APP/A4520/W/18/3214469**

**Land West of Burger King and Travelodge, Roman Road, Leam Lane, West Boldon NE10 8YB**

- 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 Martin Cleary against the decision of South Tyneside Metropolitan Borough Council.
  - The application Ref ST/0389/18/FUL, dated 11 April 2018, was refused by notice dated 6 June 2018.
  - The development proposed is construction of business development (Class B1) comprising six office/workshop units (1 No. 4 unit block and 2 No. detached units) with vehicular access from Roman Road via Leam Lane with associated hard surfaced parking/turning area.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Martin Cleary against South Tyneside Metropolitan Borough Council. This application is the subject of a separate Decision.

### Procedural Matter

3. The site address was described in the application as 'land West of Little Chef, Leam Lane'. The Little Chef premises have changed to a Burger King and I therefore changed the address to that used in the banner, as it accurately describes the location of the site.

### Main Issues

4. These are: whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and the relevant development plan policies; and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

5. The site is located close to the intersection of the A184/Newcastle Road and A194/Leam Lane within the Green Belt. The site is accessed via a metalled

track known as Roman Road, which meets the A194 close to a petrol filling station. The site is well screened from the surrounding area due to its position behind a hotel, a hot food use, and a landscaped area forming part of a restored quarry. Although the site effectively abuts a busy slip road, it is only glimpsed from there due to the presence of a tall hedgerow.

6. At the time of my visit the site was being used for the recycling of pallets. There were a small number of steel containers on the site but no permanent buildings. The appellant says that in the past the site has been used for the storage and distribution of construction materials, a point not disputed by the Council.
7. The site is flat and approximately triangular in shape. The proposal would create a block of 4 smaller units and 2 larger detached units, for B1 purposes, all of which would be located at the wider end of the site, close to the A184 slip road. The units would have pitched roofs finished with profiled steel sheeting and brick faced walls. The appellant says that the units would be suitable for small industrial activities such as carpenters/joiners, jobbing builders, electricians, plumbers and car mechanics.

#### *Whether Inappropriate Development*

8. As I understand matters, the main thrust of the appellant's case is that the site is brownfield, no longer needed for the Gypsy and Traveller purpose for which it is allocated in the development plan, and would be well suited for the form of development proposed.
9. The Framework confirms that the Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. The Green Belt serves five purposes including to check the unrestricted sprawl of large built up areas, prevent neighbouring towns merging into one another and assistance in safeguarding the countryside from encroachment.
10. For the purposes of the Framework, with certain exceptions, the construction of new buildings within the Green Belt is inappropriate development, which is, by definition, harmful to the Green Belt and should only be approved in very special circumstances.
11. A number of exceptions are set out within paragraph 145 g) of the Framework. This allows for the limited infilling or the partial redevelopment of previously developed land, whether redundant or in continuing use, but excluding temporary buildings. This is subject to two limbs.
12. The appellant has supplied a series of photographs which, although undated, appear to show that in the past there were some buildings or structures on the site. The photographic evidence is not clear and one of the suggested buildings (the 'building with pit') may not have been wholly within the red line area of the site. The Council agrees that the historic mapping suggests that there was a building on the site between 1957 and 1997. On my site visit I was unable to identify the outline of previous buildings as the site has been covered with hard core, however in one corner there are some raised concrete slabs.

13. The Framework provides a definition<sup>1</sup> of previously developed land. Having regard to this, I have considered whether any remaining structures should be considered to have blended into the landscape. Although there is little on the site that could be termed a permanent structure, what remains has sufficient presence to distinguish it as being different from the surrounding landscape. Therefore, the site can be regarded as previously developed land.
14. As the second limb of paragraph 145 g) is not relevant to the proposal, I shall focus on the first limb which states that the redevelopment must not have a greater impact on the openness of the Green Belt than existing development. Whilst the site is well screened, the proposed units would be visible from outside the site, although to a limited extent.
15. In Green Belt terms the concept of openness encompasses both the visual and spatial aspects of development. In introducing further built development at the appeal site, the proposal would have a greater impact on the openness of the Green Belt than the existing development in spatial terms. The screening which currently exists, and consequent limited visibility of the appeal proposal would not change the proposal's effect on openness.
16. Although the effect on openness would be limited, I conclude that the proposal would nevertheless constitute inappropriate development, which the Framework establishes should not be approved except in very special circumstances, and would also be in conflict with Policy EA1 of the South Tyneside Local Development Framework Core Strategy (2007) (the Core Strategy) which seeks to protect and enhance the openness of the Green Belt.

#### *Other Considerations*

17. The appellant sets out a number of matters which are considered to weigh in favour of the proposal. These include evidence that there would be demand for the units within the area were they to be developed. A letter has been submitted from a local estate agent, stating that he has potential clients waiting to secure the units. In addition, a letter has been submitted from a commercial property consultant, which concludes that the type of B1 workshop/office units proposed would be in demand.
18. The site was identified in the South Tyneside Strategic Land Review 2016 (the Review) as potentially suitable for low scale Use Class B development, subject to access and neighbouring land uses. The Review also commented that due to the site's containment by surrounding road infrastructure and hotel development, the potential 80m of openness that would be lost would be minimal. The Review is not a statement of Council Policy, and it is not suggested that the conclusions with regard to the site will result in it being allocated for Use Class B1 development in the emerging local plan.
19. The above factors lend support to the proposal and in principle the provision of employment space as proposed would give rise to economic benefits linked to the development's construction and by satisfying demand for such units in the area. However, the evidence before me on this demand and the supply of other sites which would not be located in the Green Belt is limited. Nonetheless I attach moderate weight to these positive factors.

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<sup>1</sup> National Planning Policy Framework February 2019, Glossary, page 70

20. Further matters which are advanced include the removal of the former concrete structures and tarmac from the site, and the re-lining of the junction arrangements with Leam Lane to resolve the current potential for conflict with vehicles leaving the petrol filling station. These are matters to which I give low to moderate weight in favour of the proposal.
21. The site is currently safeguarded as a potential reserve site for Gypsy and Travellers in the South Tyneside Local Development Site-Specific Allocations Document<sup>2</sup>. At the time when the planning application was determined, the Council's position was that since another site at West Pastures had been developed, the safeguarding policy associated with the appeal site was no longer required. As such, the Council did not find any conflict with Policy SA10. In its response to the appeal the Council has not informed me that there has been any change in the position and therefore, in the context of the appeal, I am satisfied that the loss of the allocation to another use would not be harmful.
22. Although not a reason for refusal, the Planning Officer Report states that the site is not within a built up area, is in an isolated position on the edge of the Borough, and would not be a suitable location for development. However, the site is located close to a bus stop on the A194, a strategic transportation corridor, and although on the edge of South Tyneside, it is close to the adjoining built up areas of east Gateshead. Other matters including design, the relationship to residential properties, trees, ecology and highway safety could be addressed with planning conditions. I therefore do not find harm in relation to these matters.

### **Conclusion**

23. I have found that the proposal would be inappropriate development in the Green Belt. The buildings that would be erected on the site, in spatial terms, would have a greater impact on the openness of the Green Belt than the existing development and there would be visual effects to a limited extent. The proposal would therefore conflict with Policy EA1 of the Core Strategy and paragraph 145 g) of the Framework.
24. I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, I conclude that the appeal should be dismissed.

*Tim Wheeler*

INSPECTOR

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<sup>2</sup> Adopted April 2012