
Appeal Decision

Site visit made on 2 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2020

Appeal Ref: APP/R0335/W/19/3239106

Mare Lane Farm, Howe Lane, Binfield, Berkshire RG42 5QN

- 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 Allanbay Park Estate against the decision of Bracknell Forest Council.
 - The application Ref 19/00532/FUL, dated 30 May 2019, was refused by notice dated 23 August 2019.
 - The development proposed is described as the 'change of use of existing agricultural yard area to B1.B8 (open storage)'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The use has commenced and therefore I am considering this appeal retrospectively.
3. The appellant has questioned whether the appeal proposal should require planning permission and draws reference to various case law to support this view. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are:
 - i) whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - ii) the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
 - iii) 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 necessary to justify the development.

Reasons

5. The appeal area is located within a flat, and open countryside location, interspersed by copses of trees. It is within a designated Green Belt. The immediate context includes hard standing and buildings that have been previously used for agricultural purposes. The appeal area is sited between a vacant, steel-framed barn and woodland.
6. Paragraph 143 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 sets out that the construction of new buildings is inappropriate save for the exceptions listed at a) to g), inclusive. The appellant has referred to exception g) as justification for their proposal. However, I do not consider that the proposal involves the construction of new buildings either as limited infilling or the partial or complete redevelopment of previously developed land.
7. However, as relevant here, paragraph 146 of the Framework sets out other forms of development that are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of the Green Belt. The exceptions listed at paragraph 146 include, d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and e) material changes in use of land.
8. The site is largely laid to hard standing and enclosed by the walls of a former silage clamp. Within the former silage clamp I observed the storage of a number of items including scaffolding, vehicles, a storage container, a portacabin and a touring caravan. Some items were visible above the walls including covered and uncovered scaffolding racks. Furthermore, storage containers were sited outside of the former silage clamp within the appeal area. The development has an industrial character and appearance, incongruous to the countryside location.
9. Although the development is largely located within an enclosed area behind high walls and gates, the use and purpose are also currently visible both above, and outside of this area. The wall therefore partially mitigates the visual impact, but not completely. Moreover, the presence of the wall does not mitigate the effect on the spatial dimension of openness¹, which in this case would be eroded through the encroachment of development into the countryside.
10. I am mindful that similar levels of storage could have occurred ancillary to the historic agricultural activity at the site. However, this would have had a different character and purpose. Furthermore, unlike the proposal, agricultural uses and activities are consistent with the countryside and the purposes of the Green Belt.
11. Furthermore, I have considered that the effect on the openness, and character and appearance of the area, may vary according to the extent of any storage. However, even if the level of storage were less than that I observed on my site inspection, the proposal would not preserve the spatial element of openness as required in order to be considered not inappropriate.

¹ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

12. Therefore, as the proposed development fails to preserve the openness of the Green Belt and would conflict with the purposes of including land within it, it is inappropriate development. Substantial weight should be given to the harm to the Green Belt. Furthermore, the proposal would be harmful to the character and appearance of the area. Due to the level of mitigation offered by the former silage clamp wall, this harm is mitigated to a certain degree and accordingly, I attach limited weight to this harm in the overall balance.
13. I note that the appellant has set out a number of other considerations. These include an assertion that the proposal supports a local scaffolding business and, as a farm diversification project, supports land stewardship and the local rural economy. However, I have limited evidence as to whether the proposal achieves this, and, if so, the degree of benefit and whether it may be achieved in another way without conflict with Green Belt policy. Accordingly, I afford this limited weight. Furthermore, the appellant refers to the recent grant of planning permission at the adjacent building for commercial use. However, I have no details of the approval and no evidence as to if and when this is likely to be realised. Therefore, I afford this limited weight. In conclusion, there are no other considerations, even when taken together, that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, resulting from the proposal.
14. In summary, the proposed development would be inappropriate development within the Green Belt, harmful to its openness and the character and appearance of the area. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to 'saved' Policies GB2 and EN8 of the Bracknell Forest Borough Local Plan – Adopted January 2002, Policies CS1, CS2 and CS9 of the Council's Core Strategy Development Plan Document – Adopted February 2008 and the Framework when read as a whole.
15. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR