
Appeal Decision

Site visit made on 27 May 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Appeal Ref: APP/P0240/W/20/3246880

Eden Brae Business Park, Dunstable Road, Caddington LU1 4FF

- 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 Gleneden Plant Sales Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/01398/FULL, dated 30 April 2019, was refused by notice dated 19 August 2019.
 - The development proposed is described as 'extension of existing area to be used as airport parking.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have drawn my attention to Policy GB1 of the Local Plan¹ which concerns the control of development in the Green Belt. They state that this policy was not saved. They go on to explain that the Central Bedfordshire Local Plan was submitted in spring 2018 and examination proceedings have concluded. As yet however the plan is not adopted, and the Council have not provided an update as to when it will be. It therefore remains emerging.
3. I am aware of the presumption in favour of sustainable development as it is set out by paragraph 11 of the Framework². I acknowledge that in situations where there are no relevant development plan policies then permission should be granted unless (inter alia) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Referring to footnote 6, I note that such areas of importance include the Green Belt. I have considered the appeal scheme accordingly and with regard to the policy position as it is set out by section 13 of the Framework.

Main Issues

4. There are three main issues. These are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;

¹ South Bedfordshire Local Plan 2004

² The National Planning Policy Framework 2019

- The effect of the proposed development on the openness of the Green Belt; and
- If the appeal scheme is inappropriate development, whether the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development and Openness

5. The Framework sets out, at paragraph 145, that the erection of new buildings in the Green Belt is inappropriate development which paragraph 143 explains is harmful by definition. There are a number of exceptions to this rule set out by paragraphs 145 and 146 which I shall come onto.
6. The appeal site comprises a flat parcel of land currently laid to hardstanding. It is accessed via a similar but smaller land parcel to the rear of four office buildings. It is surrounded by a mix of palisade style metal and close boarded timber fencing as well as some dense tree planting around its southern and western boundaries where it abuts open grass fields and the back edge of Millfield Lane respectively. Part of the site (roughly half) has an extant planning permission for the parking of vehicles. This is temporary and due to expire in November 2021. The appellant states that the other part of the site as it is included as the appeal site is required for vehicle parking up to the same end date of November 2021. It is therefore a temporary planning permission being sought. I shall return to this matter later.
7. In granting a temporary planning permission, the evidence suggests that the Council took into account the fact that some of the land contained within the appeal site was itself associated with an extant planning permission for development that had in part been carried out and an historic garden centre use and thus, under paragraph 145 (g) of the Framework it could be considered as previously developed land, development on which might not be inappropriate in the Green Belt where it would not have a greater impact on the openness of the Green Belt than the existing development.
8. Whilst this may be the case for part of the site, the appeal scheme includes a not insignificant additional area of land to the west. Since the storage of vehicles would constitute the use of land, I am taken to paragraph 146 (e) of the Framework which explains that material changes in the use of land are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Openness has both a spatial and visual aspect.
9. The parking of vehicles on the land in question would introduce features that, whilst movable and non permanent in themselves, would be an ever present on the land. They would thus reduce its openness. The situation of the site to the rear of existing development and tree screening along its southern and western boundaries would limit the harm to the visual aspect of the Green Belt's openness but not eliminate it entirely. It would remain a substantial swathe of land clearly discernible as containing parked vehicles when viewed from within it. In any case, there would be an unavoidable reduction in the spatial aspect of the Green Belt's openness by virtue of the use of the land.

10. Openness is one of the key characteristics of Green Belts, as is their permanence. The reduction thereof in the case of the appeal scheme would also mean that the proposed development would conflict with the purposes of including the land within the Green Belt. The appeal scheme would therefore be inappropriate development in the Green Belt which, as I have said, is harmful by definition. As per paragraph 144 of the Framework, this harm should be given substantial weight.

Other Considerations

11. The appellant has presented a case of need in favour of the appeal scheme. They explain that Luton Airport is undergoing redevelopment to increase its capacity. The plans include an improved terminal building, multi storey parking and a new passenger transit system. The appeal scheme would create parking for the airport for a temporary period of time which would provide the necessary relief to allow the smoother running of the airport. They go on to state that there is therefore a genuine need to provide parking for customers to the airport. The airport is a strategically important site and current demand for parking exceeds supply. Once transit and parking facilities have been provided, the appellant considers that demand will diminish.
12. Whilst I acknowledge, based on this information, additional parking for the airport would be beneficial to customers, there is no sufficiently compelling case to say that the appeal site is the only one that can meet such a need or indeed as the Council suggest that the need is not being met elsewhere. This would therefore reduce the weight I could attach to the perceived beneficial effects of the appeal scheme.
13. As I have alluded to above, it is the appellant's intention to seek a temporary planning permission for the site to include the area of land I have described above to expire at the same time as the current extant permission. Planning Practice Guidance sets out circumstances where a temporary permission may be appropriate. These include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').
14. The appeal scheme is not presented as a meanwhile use. There is no indication a longer term proposal will come forward. I am not convinced, based on what I have seen, that any planning circumstances will change at the end of the time period being sought by the appellant. The expiry date proposed seems arbitrary and a second temporary planning permission for one part of the appeal site has already been granted. The appeal scheme has not been presented as a trial run to assess the effect of the development on the area.
15. With the above in mind, I do not feel that a temporary planning permission for the use of the land would be appropriate. Notwithstanding what is suggested by PPG as instances where such may be appropriate, and in any event, I am not persuaded by the appellant's arguments in favour of the proposals as they have been presented.

Conclusion

16. I have found that the appeal scheme would be harmful to the Green Belt. It would be inappropriate development, reducing the Green Belt's openness. In so doing, the appeal scheme would conflict with the purposes of including land within the Green Belt. I have identified other considerations advanced in favour of the proposed use but found these to be worthy of only limited weight for the reasons I have given. Such that they would be insufficient to justify the proposed development owing to the substantial weight that should be ascribed to any harm to the Green Belt. Very special circumstances do not therefore exist.
17. Whilst I have had regard to the other issues that have been raised by third parties, it is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR