
Appeal Decision

Site visit made on 29 July 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/F4410/W/20/3251277

TCV, Sedum House, Mallard Way, Balby, Doncaster DN4 8DB

- 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 Phil Brandreth of The Conservation Volunteers against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/02280/FUL, dated 18 September 2019, was refused by notice dated 16 January 2020.
 - The development proposed is change of use from construction compound to car park area for existing office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether the appeal development is inappropriate development in the Green Belt, having regard to the effect on the openness and purposes of the Green Belt, for the purposes of the National Planning Policy Framework (the Framework);
 - If the appeal development is inappropriate development, 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 it.

Reasons

Site and proposal

3. The appeal site is located between a two-storey office building with associated car park and an electricity substation. The site is predominantly made up of gravel with some temporary structures on the site that appear to be used as part of a site compound. There are mature trees to the rear of the site, beyond which is a nature reserve. The other surrounding land uses are predominantly mixed industrial which appear to be associated with the nearby railway.

Whether or not inappropriate development

4. Policies ENV1 and ENV3 of the Doncaster Unitary Development Plan (1998) outline the purposes of including land in the Green Belt, this being for, amongst

other things, to prevent unrestricted sprawl and to assist in safeguarding the countryside from encroachment. These policies also outline that within the Green Belt, save for certain types of development, development will not be permitted except in very special circumstances. Policy CS3 of the Doncaster Council Core Strategy (2012) outlines, amongst other things, that national policy will be applied to land in the Green Belt, including a presumption against inappropriate development, other than in very special circumstances. These policies are broadly consistent with the Framework.

5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 145 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It states that new buildings should be regarded as inappropriate in the Green Belt, save for a limited number of exceptions. One of the given exceptions in paragraph 145(g) is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Paragraph 146 identifies other forms of development that are not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Two of the given exceptions in paragraphs 146(b) and (e) are engineering operations and a material change in the use of land respectively.
8. National planning policy affords stringent control of development within the Green Belt and the first stage in assessing a proposal is to determine whether it represents an 'inappropriate' form of development; in other words, one that does not fall within the list of exceptions identified at paragraphs 145 and 146 of the Framework. Any development falling outside those exceptions is 'inappropriate' and deemed harmful to the Green Belt by definition.
9. Both parties refer to the use of the site as a compound. Under certain circumstances, such a use does not require planning permission and is permitted on the basis that the land is returned to its former condition when the development to which it relates is completed. The temporary nature of the use of the land, and any buildings thereon, excludes it from constituting previously developed land. The proposal would therefore not constitute the exception as detailed in paragraph 145(g) of the Framework.
10. The exceptions given in paragraph 146 relating to engineering operations and the material change of use of land are most relevant to the appeal proposal. These forms of development are however, only deemed not inappropriate provided the openness of the Green Belt is preserved and the proposal does not conflict with the purposes of including land in the Green Belt.
11. The appeal site is currently mainly comprised of gravel. Visually, the formation of a car park would cause moderate harm to the openness of the Green Belt. Notwithstanding the temporary compound, the development would amount to a material change of use comprising the creation of a formal car park occupied by parked vehicles. The nature of the use is that cars are likely to be present

on the site in significant numbers for the great majority of the time. The submitted plan within the evidence before me indicates that the car park would be laid out to accommodate 39 cars. Such a use, involving the albeit temporary parking of vehicles, would not preserve the openness of the Green Belt from a spatial perspective and cause moderate harm in this regard.

12. By introducing an essentially urban activity into the above context, the development would therefore also amount to encroachment into the countryside. This is in conflict with one of the purposes of including land within the Green Belt set out at paragraph 134 of the Framework and would cause moderate harm.
13. Therefore, the development does not preserve the openness of the Green Belt and conflicts with one of the purposes of including land within it. Accordingly, it amounts to inappropriate development in the Green Belt when considered against paragraph 146 of the Framework and is therefore by definition, harmful to the Green Belt.

Other considerations

14. Given the requirement for reinstatement of the land, I give limited weight to the temporary use of the site as a compound and its current condition. I also give limited weight to the apparent lack of any enforcement action to reinstate the land following its temporary use, particularly as I have no evidence before me to support this argument.
15. Whilst the provision of additional parking may be of benefit in terms of reducing any problems of overspill parking, I did not observe any such problems being caused during my site visit, nor have I been presented with any robust evidence to support this argument. I therefore find that the provision of further parking to be a minor benefit of limited weight.
16. The appellant has referred to the consent that was granted for the adjacent office development and a number of surrounding developments, in support of the appeal. From the evidence provided, it is clear that they are for proposals of a different nature to that before me and I have determined the appeal on its own individual merits.
17. In reference to the above developments, the appellant considers the Local Planning Authority should be held to be accountable, and should be demonstrably transparent, equitable, and above all consistent in its decisions. The merits of these previous decisions are not before me. Whilst it is evident that they have caused frustration to the appellant in light of their own appeal, I give them limited weight in the appeal.
18. The appellant suggests that the proposed planting would improve the appearance of the site and its biodiversity value. Whilst this may be the case, I do not have any evidence that this planting would go beyond what is required to be undertaken in the reinstatement of the site. In this regard, the proposed planting is a neutral factor.
19. In reference to the surrounding developments and land uses, the appellant questions the value of the site in fulfilling the purposes of including land within the Green Belt. I have considered the appeal most pertinently on the fact that the site is within the Green Belt. For the reasons outlined, I have found that the development would conflict with one of the purposes of including land

within the Green Belt, namely, to check the unrestricted sprawl of large built-up areas.

Planning Balance

20. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues by stating that 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.
21. The proposal would constitute inappropriate development in the Green Belt. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, moderate harm would be caused to the openness of the Green Belt and moderate harm would be caused to the purposes of including land within the Green Belt. Having considered all matters raised in support of the proposal, I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposed development would not accord with the Green Belt aims of the Framework and those of Policies ENV1 and ENV3 of the Unitary Development Plan and Policy CS3 of the Core Strategy.

Conclusion

22. For the reasons given above, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR