
Appeal Decision

Site visit made on 16 September 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2020

Appeal Ref: APP/M0655/W/20/3253323

Burley Heyes Estate, Office Assembly Services, Arley Road, Appleton, Warrington WA4 4RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by RHT Group against the decision of Warrington Borough Council.
 - The application Ref 2019/36240, dated 4 December 2019, was refused by notice dated 17 April 2020.
 - The development proposed is described as the retention of hardstanding to be used as storage area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The construction of the hardstanding area has already been implemented and therefore I have determined this appeal retrospectively. During my site visit I concluded that the existing area of hardstanding corresponded to the proposed development as shown on 'Burley Heyes Mill: Site Location Plan' submitted by the Appellant's agents.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt; 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 necessary to justify development.

Reasons

Whether Inappropriate Development in the Green Belt

4. The provision of hardstanding for storage is an engineering operation. The Framework states that engineering operations are not inappropriate within the Green Belt provided that they preserve the openness of Green Belt and do not conflict with the purpose of including land within it.

5. The development is located on the north-east corner of the Appellant's business operation on the Burley Heyes Estate close to the boundary with the former Stretton airfield. It sits at the end of what was once an access way to the airfield and close to the blank rear elevation of a warehouse. The industrial estate is just south of the M56 near Appleton Thorn in Cheshire and its immediate surroundings are very open. The Green Belt washes over the industrial estate.
6. The development comprises a broadly rectangular shaped area of hardstanding measuring approximately 18 metres by 9 metres, most of which lies beyond the end of the warehouse and protrudes into the largely open surroundings. Part of the area is being used for the storage of a large static caravan. About 20 metres beyond the boundary of the hardstanding area, in the direction of the main entrance on Arley Road, are 4 waste skips. Just to the side of the hardstanding area, beyond a boundary fence, are 2 medium sized porta cabins. To the north and east is the large open expanse of the former Stretton airfield whilst to the south is open farmland
7. Changes in recycling regulations have led to the need for the firm to have greater capacity for the separation and storage of waste. In the recent past bales of cardboard have been stacked on the area of hardstanding against the rear elevation of the near adjacent warehouse.
8. Following *R(On the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC3 the determination of whether a development would impact upon Green Belt openness is a planning judgement. This will turn upon factors including size, permanence and context.
9. However, in this instance it is impossible to exercise properly this planning judgement. Although I have been provided with an explanation as to why the area of hardstanding is needed there is no information as to what form the storage would take. For example, the use of several large shipping containers stacked one on top of another could result in a conspicuous extension of the permanent buildings on site towards the open airfield. This could be harmful to the openness of the Green Belt without the incorporation of the appropriate mitigation measures.
10. Because the development could take one of several different forms, some of which might be visually very dominant and virtually permanent, it would harm the openness of the Green Belt. Consequently, it would fail to accord with the advice set out in the Framework that engineering operations are not to be considered as inappropriate development in the Green Belt if they do not harm the openness or undermine the purpose of including land within it.
11. It would also fail to accord with with Policies QE6, QE7 and CS5 of the Warrington Local Plan Core Strategy 2014 (CS) which seek to support development that does not have an adverse impact on the surrounding area, maintains the distinctive character of the surrounding countryside and assists in safeguarding the countryside from further encroachment.

Very Special Circumstances

12. The Appellant contends that if the appeal is unsuccessful then the firm would find it difficult to operate. This could lead to staff redundancies or closure of the facility. However, whilst I recognise the need to ensure that the company can meet its waste recycling obligations, I have not been provided with any substantive evidence to support the claim that this might prejudice its operational capability.
13. Reference has also been made to the implications of the outcome of the appeal for the firm's insurance and industry accreditations. I accept that the use of the area of hardstanding for storage would assist in the safe and efficient operation of the business and that this would be beneficial to the local economy. However, I have not been provided with sufficient information as to whether the storage could be accommodated elsewhere within the confines of the industrial estate without prejudicing the openness of the Green Belt.
14. Consequently, the Appellant has failed to advance other considerations that, when taken together, amount to the Very Special Circumstances necessary to outweigh the harm caused by virtue of inappropriateness and any other harm necessary to justify the development.

Conclusion

15. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR