



Appeal Decisions

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/20/3253321

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 2019/36236, dated 4 December 2019, was refused by notice dated 17 April 2020.
 - The development proposed is described as the change of use to form car parking to service existing business.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to form car parking to service the existing business at Burley Heyes Estate, Office Assembly Services, Arley Road, Appleton, Warrington WA4 4RS in accordance with the terms of the application Ref 2019/36236, dated 4 December 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The development 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.
3. An appeal against refusal of an earlier application seeking planning permission to retain an area of hardstanding for 21 car parking spaces and 3 storage containers on land to the front of the RHT warehouse at Burley Heyes Estate was dismissed in April 2019¹.

Main Issues

4. 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.

¹ APP/M0655/W/18/3217882

Reasons

Whether inappropriate development in the Green Belt

5. The provision of hardstanding for car parking 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.
6. The development is located within a mainly grassed area close to the wide, bell-shaped entrance to the Appellant's business operation on the Burley Heyes Estate off Arley Road. Arley Road is separated from the industrial estate by quite thick, mature hedging punctuated by some mature trees. The estate is just south of the M56 near Appleton Thorn in Cheshire and its immediate surroundings are very open.
7. The development comprises 2 oblong shaped areas of light-coloured hardstanding to the front of one of the large warehouses and adjacent to the darker coloured internal access road. The first larger area sits close to the entrance and measures about 30 metres in length and about 6 metres in depth. The second smaller area sits slightly further away from the entrance, closer to the warehouse, and measures about 5 metres in length and about 6 metres in depth. The area within which the development is located sits at a slightly higher elevation than the adjacent Arley Road.
8. These 2 areas formed part of a larger area of hardstanding for car parking and container storage which, following the retrospective refusal of planning permission, was subject to the aforementioned unsuccessful appeal in April 2019. Following that decision, the Appellant removed the triangular shaped area of hardstanding and returned it to grassland. However, the Appellant retained the 2 strip-shaped areas of hardstanding which are now subject to this appeal. The two areas have the capacity to accommodate about 12 cars and occasionally the larger area is used as a lay-by for larger vehicles.
9. Currently, the firm's employees generally park their cars in an area within the heart of the industrial estate which is enclosed on three sides by large warehouses and former grain silos. However, this relatively confined area is also used for turning large lorries which results in staff having to occasionally move their vehicles. On the day of my visit there were very few vehicles parked in this area and none were parked on either of the 2 strip-shaped areas of hardstanding subject to this appeal.
10. Given the nature of the firm's business operation, which frequently involves staff travelling away from the premises to other parts of the UK and further afield to fit office furniture equipment, it would not be commercially or logistically practicable to expect employees to leave their vehicles in a car park in Appleton Thorn town centre before travelling in a bus or taxi to the industrial estate. Furthermore, given the modest size of the firm's operation at these premises it would not be commercially realistic to expect it to purchase a new site away from the industrial estate to resolve the parking problem.
11. 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

- openness is a planning judgement. This will turn upon factors including size, permanence and context.
12. The larger of the two areas of hardstanding is clearly visible to vehicle users and pedestrians when passing the wide entrance to the industrial estate at Arley Road. Nevertheless, because it occupies a relatively small area with a backdrop provided by a warehouse its impact on the openness of the Green Belt is negligible.
 13. Use of the large area for the parking of lorries or vans would result in an unacceptable incursion in the Green Belt. However, if the area were limited to the parking of cars and motorcycles then, given its modest scale, the visual impact would be quite limited. Notably, not only is it considerably smaller than the area subject to appeal in 2019 but it does not include near permanent large storage bins.
 14. Moreover, on the evidence it is unlikely that there will be 12 cars parked in these areas throughout every working day. Instead the level of usage of the parking spaces will fluctuate from hour to hour and from day to day. This lack of permanence will significantly reduce the visual impact to the point that there will be no meaningful harm to the openness of the Green Belt in this location.
 15. The development is therefore consistent 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.
 16. Consequently, it also accords 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.
 17. As I have found that the appeal development does not constitute inappropriate development within the Green Belt it follows that there is no requirement to address the second main issue as to whether it constitutes a very special circumstance to justify development.

Other Matters

18. Several comments have been levelled by a local resident alleging that the firm has failed to comply with planning regulations in the past and is continuing to breach the conditions of a planning permission for a B8 use. However, these matters should be addressed to the Council and are not relevant to the determination of this appeal.
19. The same individual contends that the development will result in an unacceptable increase in heavy lorry traffic travelling past schools, over a weak bridge and along an unsuitable narrow road (Arley Road). However, the Council's highways engineers did not raise objections and I see no substantive evidence to suggest that the development would cause significant traffic problems.

Conclusion and Conditions

20. For the above reasons, I conclude that the appeal should be allowed. Although the development has been completed, in the interests of the appearance of the area I have attached a condition requiring the implementation of a landscaping scheme to provide screening to the parking area.
21. Furthermore, I have attached a condition limiting the use of the 2 parking areas to the parking of cars. I note that the larger area has been used for the parking of lorries / heavy goods vehicles. Because of their size this would result in an unacceptable incursion in Green Belt.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. Prior to use of the development for car parking a scheme of landscaping shall be submitted to and approved in writing by the Council.
2. Any trees and shrubs dying, damaged, removed or destroyed within 5 years of planting shall be replaced within the same planting season with the same.
3. The approved development shall only be used for the parking of cars and motorcycles, and not for other types of vehicles or structures.

END