
Appeal Decision

Site visit made on 21 September 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal A Ref: APP/N0410/W/20/3253495

Sawyers Green Farm Kennel, Langley Park Road, Wexham, SL3 6DD

- 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 Hussain against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0240/FA, dated 1 July 2019, was refused by notice dated 11 May 2020.
 - The development proposed is part change of use of kennels to vehicle parking for sales.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. I have removed the word 'retrospective' from the description of development, as this does not describe development and is therefore superfluous.
3. The appellant has indicated that the proposed development has commenced. On site I also observed that a significant number of cars were parked within the appeal site, although arranged differently to that shown on the proposed plans. As such, I shall consider this appeal on the basis that the change of use has commenced.

Main Issues

4. The main issues are:
 - Whether the proposed car sale use would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and development plan policies and its effect in regard to openness;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on highway safety, with particular regard to the use of the access, the efficient operation of the highway network and the internal configuration of the site; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

5. The appeal site is within the London Green Belt. Saved policy GB1 of the South Bucks District Local Plan 1999 (LP) states that planning permission will not be granted for development unless it meets a listed exemption. This includes at (g) uses of land which would not compromise the purposes of including land within the Green Belt and which would permanently retain its open and undeveloped character. These aims are generally consistent with the objectives of the Framework.
6. The Framework explains that the Government attaches great importance to Green Belts. Furthermore, it requires substantial weight to be afforded to any harm. Paragraph 145 establishes that new buildings would be inappropriate unless they fall within one of the listed exceptions. Furthermore, paragraph 146 finds certain other forms of development to also not be inappropriate. One such exclusion includes, at Paragraph 146(e), for a material change of use of land provided that it would preserve the openness of the Green Belt.
7. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Impact on openness is a matter of fact and degree taking into account scale, locational context and visual/spatial matters. The appeal site consists of an open field. It has a number of demountable cabins adjacent to the front boundary and several caravans in the middle and rear of the site. There were around 100-150 vehicles parked in the front section of the site at the time of my visit.
8. The storage of vehicles within this open field has had a material effect on its openness. The appearance of a substantial number of vehicles has fundamentally reduced the openness of the site in spatial terms. Its visual impact is also striking in views through the site from the adjacent highway. This therefore also has a significant visual impact on the openness of the site. Also, the creation of compacted soil and tracks through the ground has resulted in further visual harm to the field and its setting. The proposed vehicle sale and storage use would result in a continuous turnover of vehicles. This activity would exacerbate the visual effect of the car sales use. Consequently, the proposal would have a substantial visual and spatial effect on the openness of the Green Belt.
9. The proposed use would result in the imposition of a considerable commercial activity into the open countryside. The proposed development would also signify an encroachment of an essentially urban activity. Accordingly, the proposed use would represent encroachment and the introduction of urban sprawl, this would therefore also harm two of the purposes of the Green Belt.
10. Accordingly, the proposal would represent significant harm to the openness of the Green Belt. Furthermore, it would result in urban sprawl and encroachment. The proposed use would therefore constitute inappropriate development and would not comply with paragraph 146(e) of the Framework.

Character and appearance

11. The site is beyond the north boundary of the built limits of Slough. It is also beyond the Grand Union Canal which acts as a barrier of sorts between the limits of the settlement and the countryside. The appeal site therefore consists of a field in the open countryside. Furthermore, although containing a number of vehicles and temporary buildings, the site is a flat and open area. It is partially enclosed with field boundary planting, consisting of trees and hedges, and has an undeveloped character. Accordingly, the site makes a positive contribution to the character and appearance of the surrounding countryside.
12. The proposal would consist of the parking of 240 vehicles, as defined by the application form. This quantity of parking would fundamentally alter the appearance of the site for the duration of the activity. The site is visible from the highway, due to gaps in the boundary trees and hedges. The highway is also at a slightly elevated position in comparison to the site. The proposal would be a commercial activity that is urban in character. Consequently, the proposed use would have a demonstrable and harmful impact on the character and appearance of the site.
13. Accordingly, the proposed car sales parking use would not accord with saved policy EP3 of the LP. This seeks, amongst other things, development that would not adversely affect the character of the locality. Also, the proposal would fail to satisfy policy CP8 of the South Bucks Core Strategy Development Plan Document 2011. This seeks development to make a positive contribution to the character of an area. These policies are in general conformity with the Framework which requires development proposals to recognise the intrinsic character and beauty of the countryside.

Highway safety

14. The access onto Langley Park Road is around 4 metres wide. The site entrance is about one metre lower than the highway itself. The highway is subject to a 30mph speed limit, but this increases to the national speed limit just to the north of the site. During my visit, whilst only a snapshot in time, I observed that the highway was relatively busy with a steady stream of traffic moving in both directions.
15. When exiting the access, visibility to the right appears to be generally clear with limited obstruction. However, when looking to the left visibility is obstructed to some extent by several highway signs and the bridge over the adjacent canal. The limited width of the access would also be likely to cause northbound vehicles to wait for clearance to turn into the site from the carriageway. This would be likely to result in passing vehicles having to reduce speed and/or wait in the highway. As such, the existing distributor road network would be unlikely to be able to safely accommodate the significant additional traffic associated with the proposal. Without evidence to the contrary the proposal would be likely to harm the efficient operation of the highway and have an adverse impact on highway safety.
16. Paragraph 111 of the Framework states that all development, that would generate significant amounts of transport movement, should be supported by a Transport Assessment. No Transport Assessment has been submitted in support of the appeal. Due to the scale of the proposal such an assessment is required to evaluate the impact of the use on the highway. This would also

allow the appellant to consider the required accident data and enable the extent of highway safety risks associated with the proposal to be investigated.

17. In consideration of the layout of the car park, I am unconvinced that on-site manoeuvring would have an adverse impact on highway safety. Furthermore, the use of a planning condition could have secured an improved internal layout had I been minded to allow the appeal. The proposal would therefore comply with saved policy TR7 of the LP which requires the Council's parking standards to be satisfied.
18. However, the proposal would not accord with saved policy TR5 of the LP. This seeks to only allow development where the material increase in the use of an access would not be likely to compromise the safe movement and free flow of traffic on the network. The proposal would also fail to comply with the Council's Local Transport Plan 4. This seeks to ensure that new development provides a safe and suitable access. Also, the proposal would not satisfy the Framework which seeks to refuse development that would have an unacceptable impact on highway safety.

Other considerations

19. The application form explains that the previous use of the site was for kennels. The Council is of the view that this business ceased in the past. I also saw no evidence of such a use whilst on site. There is therefore no substantive evidence to illustrate that on the balance of probabilities there is a defined fall-back position. In any event, whether the previous use remains established or not, its impact on the Green Belt would have been substantially lessened than that advanced by the proposal.
20. The appellant has indicated that the Coronavirus has affected the car sales business. He requests a 12-month temporary planning approval to retain the storage use during the downturn in the economy. However, he has failed to adequately explain the effect on his business, or what would necessarily change in 12 months. Furthermore, a temporary period of approval would fail to address the identified harm to the Green Belt and other harms.

Whether there would be Very Special Circumstances

21. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
22. I have concluded that the proposal would result in significant harm to the openness of the Green Belt and would result in urban sprawl and encroachment. I have therefore concluded that the proposal would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. Additionally, I have also concluded that the proposal would harm highway safety and the character and appearance of the countryside.

23. On the other hand, the other considerations I have identified, including the effect of coronavirus on the business, are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development does not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
24. Consequently, the proposal would be inappropriate development and as such harmful to the Green Belt. This would therefore be contrary to saved policy GB1 of the LP and the Framework.

Conclusion

25. For the above reasons the appeal does not succeed.

Ben Plenty

INSPECTOR