
Appeal Decision

Site visit made on 28 July 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/Z0116/W/20/3252071

Wyevale Garden Centre, Bath Road, Brislington, Bristol BS31 2AD

- 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 Wyevale Construction against the decision of Bristol City Council.
 - The application Ref 20/00574/F, dated 6 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is the retention of a hardstanding for the purpose of ancillary storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on site that the works have been carried out and I have considered the appeal on this basis.
3. A certificate of lawfulness of existing use or development (19/02102/CE) was issued on 12 September 2019 for ancillary storage area for A1 use, on the appeal site.

Main issues

4. The main issues are:
 - whether or not the proposed development would constitute inappropriate development in the Green Belt, having regard to the preservation of its openness;
 - the effect of the proposal on the character and appearance of the area;
 - whether or not the proposal would harm wildlife and;
 - whether any 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 the development

Reasons

Whether or not the proposal would be inappropriate development in the Green Belt and the openness

5. The site was part of the former Wyevale Garden Centre which is partly vacant with limited occupation by Maidenhead Aquatics. The garden centre buildings, car park and storage areas remain. The appeal site itself is an area of rough chippings and robustly fenced, which at the time of my site visit was partly being used to store building materials but largely open except for a shed.
6. The site is within the Green Belt. Paragraph 146 of the National Planning Policy Framework (the Framework) affirms that certain forms of development are not inappropriate in the Green Belt. Criterion b allows for engineering operations, of which the hardstanding would be. However, paragraph 146 also states that the proposal must preserve the openness of the Green Belt and not conflict with the purposes of including land within it, otherwise it would be inappropriate. The hardstanding would be used for the storage of materials to varying height, potentially over a wide area. The materials would have a physical presence and obstruct the views across the site as well as its spaciousness. Indeed, due to their colour, form and mass, the materials would be likely to appear prominently. Consequently, the stored materials would erode the sense of openness across the appeal site.
7. I therefore conclude that the proposal would be inappropriate development and would harm the openness of the Green Belt, conflicting with paragraph 146 of the Framework. Policy BCS6 of the Bristol Development Framework Core Strategy echoes the inappropriate development criteria from the Framework and I find that the proposal would conflict.

Character and appearance

8. The former garden centre has an open frontage onto the A4 Bristol-Bath main road. The appeal site itself is at the end of the car park and there is a backdrop of distant hills and woodland.
9. The surfacing used is dark grey chippings, which although subdued, appear monotone and bland over the extensive appeal site. Whilst, the grass surface would have been partially covered and obscured by the stored materials, any uncovered grass would have softened the impact of stored materials, particularly against the verdant backdrop.
10. I therefore conclude whilst the impact of the proposal would be limited, it would nonetheless be harmful to the character and appearance of the area. Policy BCS9 of the Bristol Development Framework Core Strategy (CS) and Policies DM15 and DM17 of the LP seek to provide strategic open space and protect the character of the area.

Wildlife

11. There is a stream and trees on the edge of the garden centre grounds. This undoubtably provides a diverse range of habitat particularly as it extends into the adjoining countryside. The Council's ecologist comments that the site has potential for badgers, nesting birds, reptiles, bats and hedgehogs.
12. The appeal site is part of a non-designated wildlife corridor identified by the Council. Whilst the former garden centre building is excluded, other extensive land to the west and north of the appeal site is identified and the land to the south is countryside.

13. The proposed hard surface would lead to more intensive storage, which would be a discouragement for wildlife as the likely increased human activity and use of machinery would be a disturbance.
14. The grass surface would have been conducive to some wildlife, whereas the hard surface would be of minimal value. It would act as a barrier to wildlife.
15. The site may have a role in the movement of wildlife along the corridor and some particular species may well be important in this part of the wider ecosystem. No wildlife survey has been undertaken so the type of species or habitat is not known. This would identify the particular significance of the surroundings and appeal site for wildlife. It would also provide the basis to consider whether mitigation could be provided and ensure that such measures were precise in relation to the specific species.
16. The proposal would provide a 1m soil bund and grass buffer area to the stream environs. However, without knowing the wildlife present these cannot be assumed to be a benefit.
17. In the absence of a wildlife survey, I am unable to conclude that the development is not harmful to protected species. Accordingly, the proposal would conflict with Policies BSC9 of the Bristol Development Framework Core Strategy (CS) and DM15, DM17 and DM19 of the Bristol Local Plan Site Allocations and Development Management (LP), which seek to protect wildlife and habitat. I give this harm significant weight.

Other considerations

18. The site has the benefit of a certificate of lawfulness for existing use or development, confirming its established use for storage. The appellant argues that the site can be used to stack materials, irrespective of this change to the surfacing. Whilst this is established and acknowledged, the change from grass to a hard surface would make it more usable, which is confirmed in the executive summary of the appellant's statement. The hard surface would be more likely to be intensively used as it would be more conducive to machinery as the grass surface would have been prone to erosion. Goods would also be despoiled by dirt and damp from the grass.
19. The appellant has forwarded an appeal decision¹, which concluded that a change from grass to hard surface at that particular site would not result in intensification of storage and so would not be inappropriate in the Green Belt. Whilst I have been provided with an aerial photo of the site and surroundings, I am unable to conclude that the sites are comparable. The topography may be different, and a flat site would not suffer the same erosion of the grass from the turning of vehicles. Furthermore, I noted that that Inspector concluded that site was well drained. This site is towards the end of a slope and affected by run-off from adjacent hard surfaces. The appeal site is also exposed to the prevailing weather which would also lead to waterlogged surfaces. Furthermore, the certificate of lawfulness existing established use here limits storage to ancillary Use Class A1 and this may not be comparable to the type of storage in the other appeal as plant and machinery are stated. I therefore give this only limited weight.

¹ APP/C1950/W/16/3163765

20. The Council withdrew its concern about drainage following ongoing discussions with the appellant: further details were provided showing that the surface was permeable. I agree with both parties and conclude that the proposal would not harm surface water management and the proposal would not conflict with policy BSC16 of the CS which requires appropriate surface water management.
21. Concerns were raised about the previous construction activity, the use of car sales and the retrospective nature of the proposal. These concerns are beyond the scope of this appeal and I can only consider this proposal on the basis of the submission and its planning merits.

Overall planning balance

22. I have found that the proposed development would constitute inappropriate development in the Green Belt and would harm its openness. Paragraph 144 of the Framework places substantial weight on any harm to the Green Belt. Additionally, paragraph 143 of the Framework states that inappropriate development should not be approved except in very special circumstances. I have also found that the proposed development would harm the character and appearance of the area as well as wildlife and would conflict with the development plan.
23. The totality of the above harm has to be balanced with the reuse of the site and the certificate for ancillary storage. Whilst I acknowledge that these are considerations, in this particular case I do not consider that they collectively outweigh the harm that would be caused. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

24. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR