The Planning Inspectorate

Appeal Decision

Site visit made on 28 July 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/A0665/W/20/3251423
Schmitz CargoBull UK Ltd, Tarporley Road, Lower Whitley, Northwich, Cheshire WA4 4EZ

- 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 Schmitz CargoBull UK Ltd against the decision of Cheshire West & Chester Council.
- The application Ref 19/01116/FUL, dated 19 March 2019, was refused by notice dated 25 October 2019.
- The development proposed is for a lightweight 'Lauralu' canopy structure to the original service yard area.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The canopy has been erected and therefore I am considering the appeal retrospectively. The appeal drawings reflect the development constructed at the site and I have considered the appeal accordingly.

3. The appeal site is within the general extent of the North Cheshire Green Belt. STRAT 9 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies (Local Plan Part 1) applies additional restrictions for developments within the Green Belt in line with the National Planning Policy Framework (the Framework). I agree with the parties that the proposal does not fall within any of the exceptions set out in Framework paragraph 145 and, therefore, the proposal would be inappropriate development in the Green Belt and would conflict with Policy STRAT9 of the Local Plan Part 1 and the Framework. This is a matter to which I attach substantial weight.

Main Issues

4. Whilst the parties agree that the canopy would have an impact on the openness of the Green Belt there is a disagreement over the level of harm associated with the effect of the proposal on openness. Therefore, the main issues are:

   - The effect on the openness and purposes of the Green Belt,
   - The effect of the development on the character and appearance of the area, and;

- 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 required to justify the proposal.

Reasons

5. The appeal site is a storage and distribution business located close to the junction of the A533 and the A49 with access from the A49. It is part of a cluster of businesses and a small number of residential properties located adjacent to the junction of the two roads.

Openness and purposes of the Green Belt

6. Paragraph 133 of the Framework seeks to prevent urban sprawl by keeping land permanently open. It states that the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and includes both spatial and visual aspects

7. The canopy occupies an area of land that is part of an existing business. Within the site there are significant areas of hardstanding and outside storage. The presence of the canopy would reduce spatial openness. However, this is tempered by the existing land use so that the effect on spatial openness is limited.

8. The canopy is adjacent to an existing group of warehouse buildings which are set back from the A49 road frontage. From here, the canopy is seen in the context of other structures and is open to the front allowing some views through to the warehouse buildings. However, because of the height and roof colour the canopy stands above the adjacent buildings and is prominent. It is viewed in isolation against an otherwise open setting when approaching the site along the A533 resulting in moderate harm to visual openness.

9. I agree with the appellant that although visible within the wider countryside setting, the development would not encroach into the countryside or conflict with the other Green Belt purposes.

Character and appearance

10. The canopy is next to existing structures which lessens its significance in its immediate surroundings, however, its design is poorly related to the form of the adjacent buildings and its height and materials result in an obtrusive structure in views from the road. In addition, because of its height and materials, in wider views on the approach to the site the roof of the canopy is seen in isolation and appears as a prominent and incongruous feature.

11. Consequently, I consider that the canopy causes harm to the character and appearance of the area and would conflict with Policy STRAT 9 of the Local Plan Part 1 and paragraphs 83 and 84 of the Framework where it seeks well designed buildings and development that is sensitive to its surroundings. The harm to the character and appearance of the area attracts moderate weight.

Other considerations

12. The appellant states that the canopy has a social and economic role in protecting jobs and businesses. Without sufficient storage capacity provided by the canopy the company's ability to provide a service to its customers is limited, which in turn impacts on the turnover of the business and endangers

jobs. The cost of relocating the business would be significant. In accordance with paragraph 80 of the Framework I attach significant weight to the need to support economic growth and productivity.

13. Further, the appellant indicates that deliveries are in high demand and the HGV industry has a key role in helping the public through the COVID-19 coronavirus pandemic. However, the canopy has been in place for two years and it appears to me that the canopy was not constructed in response to COVID-19. Therefore, I attach limited positive weight to the need for the building to respond to COVID-19 demands.

14. The appellant indicates that a temporary consent to require the removal of the structure in 2024 when the business lease ends at the site would be acceptable. However, I have not been provided with any evidence that the appellant has sought to resolve storage concerns in a more permanent manner; and I am not satisfied that the planning circumstances will change at the end of the lease. Therefore, such an approach is not supported by the advice in the Planning Practice Guidance[1]. The fact that the canopy is temporary and removable is a neutral factor in the planning balance.

15. There are three residential properties adjacent to the site that share their rear garden boundaries with the warehouse buildings at the appeal site. The location of the canopy is separated from the residential properties by the existing warehouse buildings. Its location does not detract from the living conditions of the residential properties. Further, the development would not raise any highway safety issues. However, even though the canopy does not give rise to other planning harms this is not a positive factor and so is a neutral factor in the planning balance.

Green Belt balance

16. I have concluded that the canopy is inappropriate development. Therefore, it is by definition harmful to the Green Belt. I have found that the development results in moderate harm to the openness of the Green Belt, and the character and appearance of the area. Collectively, these matters carry substantial weight.

17. I attach significant weight to the need to support economic growth and productivity as well as limited positive benefit to the need for the development to respond to COVID 19, however, these other considerations do not clearly outweigh the harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

18. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR

[1] Paragraph 014 Reference ID:21a-014-20140306