
Appeal Decision

Site visit made on 19 January 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/N2739/W/20/3262236

Land off Moss Green Lane, West Bank, Carlton DN14 9PZ

- 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 Alan Barker against the decision of Selby District Council.
 - The application Ref 2019/0886/COU, dated 22 August 2019, was refused by notice dated 30 April 2020.
 - The development proposed is change of use of land to enable the storage of caravans and mobile homes.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A discrepancy between appeal documents regarding the address of the appeal site exists. Further to my site inspection I am satisfied that all of the submitted documents refer to the same site and this is defined on the site location plan provided.
3. For the purposes of the banner heading above, the superfluous text relating to the site address has been omitted from the description of proposed development.
4. The date used in the banner heading above is that stated on the original planning application form, being the date originally declared by the appellant.

Main Issues

5. The main issues are:
 - the appropriateness of the location of the proposed use, with particular regard to its contribution to encouraging sustainable patterns of development and sustaining the local rural community; and
 - the effect of the appeal proposal on the character and appearance of the area, with particular regard to use, scale and level of screening.

Reasons

Location

6. The appeal site is located within West Bank, an area which mainly comprises a mixture of horticulture, agriculture and equine uses and a series of residential

- dwellings. It falls beyond any settlement, including the main centres of the population. As such, the appeal site is located within the countryside.
7. The appeal proposal would be a new business entity. It is stated that it would provide full-time employment for 2 people.
 8. Paragraph 83 of the National Planning Policy Framework (the Framework) supports sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, as well as the development and diversification of agricultural and other land-based rural businesses.
 9. However, there is no substantive evidence that the appeal proposal would constitute the diversification or expansion of an existing business. Furthermore, the open storage proposed would relate to a very specific use that would not necessarily require a rural location to operate.
 10. The appeal proposal would not accord with the Framework in these regards. This would weigh against the appeal proposal.
 11. Paragraph 84 of the Framework states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
 12. However, given the nature of the proposed use, the visitors that would be attracted would be wholly reliant on vehicular trips. Given the site's context, these would be arise from beyond the locality in the main and would be unlikely to represent linked trips with the other uses in the area. As such, the appeal proposal would not provide goods or a service which would necessarily serve this local rural community.
 13. The appeal proposal would not accord with the Framework in these regards. This would weigh against the appeal proposal.
 14. Furthermore, given the small number of employees, the appeal proposal would only provide the potential for an extremely limited contribution to local rural employment opportunities. This would attract very limited weight in favour of the appeal proposal.
 15. Moreover, land is allocated in the Selby District Local Plan (the Local Plan) for employment use purposes. No substantive assessment of the availability of alternative sites has been advanced to this appeal. Neither is there substantive evidence of a specific local need. Therefore, it has not been demonstrated that the appeal proposal would be justified within such a countryside location.
 16. For these reasons, the location of the proposed use would be inappropriate, with particular regard to its contribution to securing sustainable patterns of development and sustaining the local rural community.
 17. The development plan for the area is based upon a spatial development strategy that seeks to encourage sustainable patterns of development and sustain the local rural community amongst other things. Policy SP2A of the Selby District Core Strategy Local Plan October 2013 (the Core Strategy) allows for the reuse of buildings for employment uses where it would contribute towards and improve the local economy and enhance or maintain the vitality of

- rural communities. In rural areas, support is given to sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise.
18. Policy SP13 of that plan states that within rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported.
 19. Policy EMP8 of the Local Plan supports employment development within the countryside which relates to conversions of existing rural buildings and appropriate farm diversification activities. Policy EMP9 of the Local Plan allows for the expansion or redevelopment of existing business use outside development limits and established employment areas, subject to several criteria.
 20. The appeal proposal would not accord with any of these policies. This would weigh significantly against the appeal proposal.

Character and appearance

21. The appeal site is a large field served off the adopted Hirst Road via a narrower private access way, Moss Green Lane. The appeal site is enclosed along most of its perimeter by a series of mature hedgerows and tree belts which fall either within, on or outside of the appeal site boundaries.
22. The appeal site's context comprises an extensive flat landscape whose character and appearance are defined by the numerous agriculture and horticultural related activities. Open storage is not a pronounced activity within the locality. Other rural land-based activities relating to the keeping and caring of animals were also evident within the vicinity of the site. These were visually low key. A number of modest residential dwellings originally intended to support these uses were interspersed along Hirst Road and Moss Green Lane.
23. This important landscape character and appearance is largely derived from the post-war settlement programme which defines an important part of the area's history, function and local distinctiveness.
24. Existing views into this undeveloped site have a positive contribution to the existing character and appearance of the area. Despite the positioning of an existing building on the road frontage adjoining the appeal site, significant views into the site would remain. This would be greatest from shorter distance vantage points, particularly along Moss Green Lane.
25. The submitted Arboricultural Assessment confirms that the proposed boundary fencing that would be necessary for security purposes could be accommodated without harm to that existing vegetation. Nonetheless, the often pale and contrasting appearance of caravans when viewed against or through the existing and proposed vegetation and the proposed fencing would be evident.
26. Furthermore, much of the tree cover to be relied upon would be unclothed in the winter months. This would coincide with the period during which caravan storage would be in higher demand. This would further increase the visual impact of the caravans that would be stored within the site for a significant part of the year.

27. A significant amount of available screening falls beyond the control of the appellant and therefore its effect, in terms of longevity has not been demonstrated. A planning condition to secure necessary effective screen planting measures wholly within the appeal site would not overcome the visual harm that would be imposed in the short and medium term.
28. The resulting impact of the proposed external caravan storage use that would arise would be unduly intrusive within this landscape. The more localised nature of this would not justify the imposition of the visual harm that would arise.
29. The existing uses in the vicinity of the appeal site generate traffic, including agricultural machinery and HGVs. In operational terms, the appeal proposal would generate further traffic in the area. Sole access would be from Moss Green Lane.
30. The submitted evidence suggests that the number of caravans stored at any one time, coupled with the associated vehicle movements, would be likely to vary according to the season. Nonetheless, the appeal proposal would significantly add to those existing vehicular movements.
31. The increased intensity of potentially slow moving, large scale vehicles would differ in character from the permitted use of the site. These would detract from the important small scale, informal, tranquil rural character of the Moss Green Lane and the surrounding area.
32. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. In view of my findings, the Framework would not lend support to the appeal proposal in respect to this main issue.
33. For the reasons given, the appeal proposal would harm the character and appearance of the area, with particular regard to use, scale and level of screening.
34. Policy SP13 of the Core Strategy states that development in the rural economy should be sustainable, appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity. Policy SP19 of that plan states that all new development will be expected to contribute to achieving high quality design and have regard to the local character, identity and context of its surroundings including the open countryside.
35. Policy ENV1 of the Local Plan states that development will be permitted provided a good quality of development would be achieved including, amongst other things, in relation to the effect upon the character of the area and the standard of layout in relation to the site and its surroundings and associated landscaping.
36. Given the identified harm, the appeal proposal would conflict with these policies. This would weigh significantly against the appeal proposal.

Other Matters

37. My attention has been drawn to previous planning permissions for caravan storage on sites within the area. However, the Council has demonstrated that

these are sufficiently different to the appeal proposal in terms of scale, the historic use of land or relationship to an existing business. Consequently, minimal weight is attributed to these.

38. There are no matters before me weighing in favour of the appeal proposal that would out-weigh the identified conflicts with the development plan when taken as a whole.

Conclusion

39. For the reasons given, the appeal should be dismissed.

C Dillon

INSPECTOR