The Planning Inspectorate

Appeal Decision

Site Visit made on 17 December 2020

by Chris Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/E3715/W/20/3259322
Land adjacent Stretton Wharf, Stretton under Fosse, Warwickshire CV23 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Bruce Undy of Fosse Motor Engineers against Rugby Borough Council.
- The application Ref R20/0498, is dated 26 June 2020.
- The development proposed is Erection of industrial building and fisherman's car park and associated works.

Decision

1. The appeal is dismissed and planning permission for the erection of industrial building and fisherman's car park and associated works is refused.

Main Issues

2. The main issues are:

   (i) whether the proposal is inappropriate development in the Green Belt;

   (ii) the effect on the openness of the Green Belt;

   (iii) the effect of the development on the character and appearance of the area; and

   (iv) 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 the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

4. It is common ground between the main parties that the proposal does not benefit from any of these exemptions and I have no reason to disagree with

that view. Given the above, the proposal would be inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

5. One of the five purposes of the Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.

6. The construction of the building would result in a built development where there is not presently any existing buildings on the site. The new building, and the paraphernalia associated with its use, would inevitably lead to the loss of openness.

7. In coming to that view, I acknowledge that the proposed development would be sited adjacent to the existing buildings on the adjoining industrial estate and that the proposal also includes woodland planting. However, neither of these factors (either individually or cumulatively) overcome the loss of openness.

8. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy GP2 of the Rugby Local Plan 2011-2031 (2019) (RLP) which amongst other matters seek to protect the openness of the Green Belt.

Character and appearance

9. The appeal site is located on the west side of Fosse Way to the north of The Wharf which is an industrial estate adjacent to an arm of the Oxford Canal. To the north of the appeal site is open fields. The appeal site itself currently has an access and car park associated with the fishing pools known as 'Lanny's Lagoon'. The site also has an area of undeveloped land which rises in level in broadly a northerly direction.

10. From the evidence before me, the appeal site is not located within any defined development boundary and therefore, in planning policy terms, is located within the countryside. Policy ED3 of the RLP also seeks to direct employment uses to the Rugby urban area and such development outside of this area will only be permitted in certain circumstances. This includes the sustainable expansion of an existing group of buildings for business uses where the site is readily and regularly accessible by means of transport other than the private car.

11. As I understand it, there is a bus service which has a reasonable frequency near to the appeal site. To that end, I consider that this provides a choice of means of transport to the site. However, Policy ED3 also goes on to state that to be considered acceptable, any proposals meeting one of these exceptions must also demonstrate compliance with all other relevant policies in the Local Plan, in particular where a proposal is located in the Green Belt. As I have already noted, the proposal would be inappropriate development in the Green Belt and would lead to a loss of openness.

12. As acknowledged by the Appellant, the proposal would introduce a building into an area which is currently free of buildings. To my mind, the introduction of an additional industrial building in this location would contribute to the further

urbanisation of the area which would be harmful to the generally rural character of the area.

13. In coming to that view, I acknowledge that the adjacent industrial buildings form part of the character of the area and that there would be limited views of the proposed building from public vantage points. This is particularly the case given its siting away from the road and the screening which would occur as a result of the proposed woodland planting.

14. However, it is an inescapable fact that the development would result in an additional building which in turn would lead to an unacceptable and undesirable intrusion into the countryside.

15. Turning to the design of the building itself, I agree with the Council that this has little architectural interest. Whilst the building would reflect the industrial buildings immediately adjacent to the site, this does not persuade me that the proposal would not have an adverse impact on the area as a whole.

16. For the above reasons the proposal would harm the character and appearance of the area contrary to Policies GP2, SDC1, ED3 and NE3 of the RLP which amongst other matters seek to resist new development in the countryside and that new development demonstrates high quality design which responds to the character of the area, including landscape character.

Other matters

17. The Council have also raised concerns over the access to the site following comments from Warwickshire County Council. However, I am of the view that any necessary alterations to enable heavy goods vehicles to turn within the site could be accommodated within the land in the control of the Appellant. As such, if I were to allow the appeal, then this matter could be dealt with by means of a suitably worded planning condition. Similarly, any concerns over the siting of the gates could also be dealt by planning condition.

18. In terms of parking provision for the industrial unit and the fishing ponds, I note that the Council do not raise any objections in respect of the quantum of the proposal. Consequently, I consider that none of these matters present a barrier to the granting of planning permission and as such the proposal would accord with the provisions of Policies D1 and D2 of the RLP.

19. In terms of the potential impact on ecology and biodiversity, I have considered the preliminary ecological appraisal dated November 2020 which indicates that it would be unlikely that there would be any harm to wildlife providing that the stated recommendations were adhered to. Furthermore, it is also stated that there would be a small net gain in biodiversity.

20. Taking this into account, I consider that the effect of the development on ecology and biodiversity is not a determinative one and the proposal would accord with Policy NE1 of the RLP.

21. In respect of the effect of the works on the canal itself, the comments of the Canal and Rivers Trust are noted, particularly in relation to land stability and potential contamination issues. However, the matters raised could be dealt with by means of planning conditions should I be minded to allow the appeal. I therefore find no conflict with Policy NE2 of the RLP.

22. The Appellant originally set out that Brinklow Boats' lease on its existing premises at The Wharf was set to end in March 2021 and therefore there was an urgent need for a new building. However, as part of the appeal submissions the Appellant now states that Brinklow Boats did not want a ten-year lease and they have been offered a five-year extension instead. It is also stated that a number of the current directors of the business are retiring next year and a new generation of directors will be taking over the business. As I understand it, the five-year lease is in the process of being drawn up with an expiry date of April 2026.

23. That said, it is also stated that permission is still required for the new building as Alphatec (the owners of The Wharf where Brinklow Boats currently operate from) were intending to expand their operations and required the Brinklow Boats site to facilitate this. It is also suggested that the Covid-19 pandemic has resulted in this expansion being put on hold until trading conditions return to normal.

24. However, there is very little evidence to suggest that this is the case. Indeed, the offer of a ten-year lease to Brinklow Boats gives a very clear indication that the owners of The Wharf did not intend to use the Brinklow Boats site for expanding their own operations in the immediate future. To my mind, this severely limits the amount of positive weight I can give this in my decision. Having said that, in the event that the current site becomes unavailable, I agree with the Appellant that there would need to be a suitable lead in time to ensure that any replacement facility is ready for occupation, if it is deemed that the appeal site is the most suitable site one for such a re-location.

25. As noted above, the proposal also includes the planting of a woodland and other habitat enhancements which is a clear benefit of the proposal. I also consider that the potential improvements to air quality and a reduction of noise from carrying out activities in a building as opposed to the open air is also a benefit.

Green Belt balance

26. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that there would be an adverse impact on the openness of the Green Belt and to the character and appearance of the area. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

27. Taking into account all of the other matters raised, it is clear that the proposal would have some benefits as a result of the woodland planting and improvements to noise and air quality in the area. However, I consider that these benefits are not significant.

28. I also consider that, on the basis of the evidence before me, the need for a replacement facility for Brinklow Boats is far from convincing particularly given the new lease. Furthermore, it is also noted that several directors of Brinklow Boats will be retiring in 2021. Whilst these directors will be replaced with other family members it is unclear whether this would have an effect on the needs and direction of the business itself. Taken these factors into account, I consider the positive weight I can attach to this is limited in the overall balance.

29. In considering the substantial weight given to the Green Belt, to my mind, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy GP2 of the RLP.

Conclusion

30. For the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR