



Appeal Decision

Site Visit made on 15 January 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/G1630/W/20/3256552

Former AA Services Centre, Cheltenham Road East, Churchdown, Gloucester GL3 1JZ

- 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 Make It Mentoring CIC against Tewkesbury Borough Council.
 - The application Ref 19/01136/FUL, is dated 25 November 2019.
 - The development proposed is car sales and mentoring training facility.
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Decision

1. The appeal is dismissed.

Main Issue

2. Based on the putative reasons for refusal offered by the Council, the main issues are
 - a) the effect of the proposal on the designated area of Green Infrastructure and whether it would support the adjacent residential and employment uses and
 - b) its impact on highway safety.

Reasons

The designated Green Infrastructure area

3. The proposal concerns part of a triangular site. It lies in a band of open land a few hundred metres wide between the built-up edge of Gloucester and part of the settlement of Churchdown, in what is allocated in the *Gloucester, Cheltenham and Tewkesbury Joint Core Strategy* (JCS) as the South Churchdown Strategic Allocation. Some of this allocation is for housing, whilst a section is also for employment. However, this site falls in an area of the Strategic Allocation that has been designated as Green Infrastructure. Under JCS Policies INF3 and A2, the role of this Green Infrastructure as part of the Strategic Allocation is, among other things, to deliver a network of linked green corridors across the JCS area, to reinforce the visual link between key landscape areas and to respect the separation between settlements.
4. The site is previously developed land, on which a certificate of lawful development was granted in 1997 concerning its operation as a roadside service centre, and I was told of no material changes of use that had occurred since. Aerial photographs show that when that use was on-going the site contained many parked vehicles and what appeared to be portacabins or containers. However, all that is apparent at the moment of the former activity

on the site are the entrances and the hardsurfacing. These are not dominant, while the hardsurfacing is not extensive and is concealed by the boundary planting. As a result, notwithstanding how it was last used, the site currently makes a positive contribution both to the openness of this area and the separation it brings between settlements.

5. Whilst the plan of this Strategic Allocation in the JCS is described as an 'indicative' layout, given the thrust of the policy basis, the location of the site and its nature, I have no reason to assume this land would be excluded or re-designated when a revised layout is published that is not indicative.
6. The proposal would be introducing a significant area of cars on display onto the site as well as 2 mobile cabins, a storage unit akin to a shipping container, and palisade fencing. These elements mean it would be an intrusive and striking arrangement that would be distinctly at odds with the openness around, eroding the visual links that exist between the various surrounding landscaped areas. Moreover, as the works would be located roughly in the middle of this band of Green Infrastructure when travelling along Cheltenham Road East, this would exacerbate their harmful impact still further by increasing their prominence, and by diluting and fragmenting the open area and the separation the Green Infrastructure delivers between Gloucester and Churchdown. Whilst the site is to be landscaped, I do not have sufficient evidence to show this would allay my concerns.
7. In coming to this view, I have no reason to question the site's lawful *sui generis* planning use as a roadside service centre, but nor do I have any grounds to assume that use would start again if this appeal were to be dismissed. Furthermore, given the *sui generis* nature of this lawful use it cannot be assumed other commercial activity on the site would be forthcoming. As a result, the visual impact of that as a fallback option is not something to which I have attributed significant weight. While a housing development is taking place on the opposite side of Cheltenham Road East, that accords with the Strategic Allocation, and is separated from this site by the road and some planting. To my mind the proposal is seen in a very different context, and so the presence of that housing scheme does not lead me to different findings.
8. In the *National Planning Policy Framework* (the Framework) there is an encouragement to use previously developed land 'where suitable opportunities exist'. For the reasons given above relating to the nature of the existing lawful use and the allocations and policies in the adopted development plan, I consider this is not such an opportunity.
9. The appellant also said that, if the site had been in the Green Belt then the Framework would have offered support for this scheme, so it was therefore 'perverse' to require a landscape buffer here. The Framework only offers support for schemes on previously developed land in the Green Belt if what was proposed would not have a greater impact on openness than the 'existing' development. For the reasons given I have no basis to assume the roadside service centre will resume, and what is proposed would have a greater effect on openness than what is there now. In any event I am not considering whether a landscaped buffer can be provided. Although I accept there is no mechanism before me to ensure the hardsurfacing is removed that does not weigh in favour of the scheme before me, because I have found that, when

compared to what is now proposed, the current state of the land is more in line with adopted development plan policy.

10. The Council suggested the scheme should be resisted as well because it had not been shown how it would support residential and B-class development in the Strategic Allocation. Policy support from this seemed to rely on JCS Policy SD1(i). That though is focussed on the introduction of non B-class uses onto employment land but, as this site is not so designated, I am not satisfied its tests apply in this instance.
11. Accordingly, I conclude that the proposal would detract unacceptably from the openness and separation this site brings to this area of Green Infrastructure, and so would be contrary to JCS Policies SA1 (which lays down the concept of Strategic Allocations) A2 and INF3.

Highway safety

12. The submitted layout plan shows no ability for a car transporter or other big car-carrying vehicles to turn around in the site. Whilst the site also has a western exit/access, there are insufficient details to show the junction arrangement is adequate to cope safely with the turning manoeuvres of such transporters. Therefore, it has not been demonstrated that larger vehicles visiting the site could enter and leave in forward gear. I accept the lawful use would have involved some car transportation too, but it is reasonable to assume the vehicles used for that activity would not have been as large.
13. Although, when I visited, there were roadworks outside the site, it was nonetheless clear that Cheltenham Road East carries a significant traffic flow. To my mind, the development would cause unacceptable disruption to this if larger car-carrying transporters, being unable to turn around on site, had to load and unload from the kerbside, or reverse onto or off the carriageway.
14. Accordingly, on the evidence before me I conclude that the development would unacceptably affect highway safety, thereby conflicting with JCS Policy INF1, which broadly seeks to protect highway safety, and the Framework.

Other Matters

15. The proposal would include training for young people from a disadvantaged and sometimes troubled background, but the scale of this training has not been outlined and there is no mechanism before me to ensure it would actually occur if I allowed the appeal. Therefore, whilst I have given significant weight to this aspect of the proposal, it does not outweigh the development plan conflict I have identified.

Conclusion

16. I therefore conclude the appeal should be dismissed.

JP Sargent

INSPECTOR