



Appeal Decision

Site visit made on 7 April 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

Appeal Ref: APP/B2355/W/20/3263357

Melba Swintex Ltd, Stubbins Vale Mill, Stubbins Vale Road, Ramsbottom BLO ONT

- 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 S Todd, Melba Swintex Ltd against the decision of Rossendale Borough Council.
 - The application Ref 2020/0167, dated 22 April 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the provision of a hard-surfaced area.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development above is taken from the planning application form. However, a more precise description is that provided in the Council's decision notice and the appeal form as 'Provision of hard surfaced area for storage purposes associated with the existing business on site, including construction of retaining wall of up to 1.8m high'. I have considered the appeal on this basis.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is a strip of land close to the eastern boundary of Stubbins Vale Mill factory. It forms part of an embankment which rises steeply from the

adjacent storage area. Unlike the wider factory site, the appeal site is located within the Green Belt. This proposal would excavate part of the appeal site to provide additional areas of hardstanding for the external storage of goods.

6. Policy 1 of the Core Strategy Development Plan Document: The Way Forward 2011-2026 (November 2011) (the CS) states that proposals outside the urban boundary will be determined in accordance with the relevant national and local planning guidance. Paragraph 146 of the National Planning Policy Framework (the Framework) notes that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Both main parties agree that the proposal would be an engineering operation, however this is disputed by interested parties. Whilst hardstanding alone may not in all cases be an engineering operation, the extent of excavation proposed and the need for a retaining wall lead me to agree that this proposal would comprise engineering operations.
7. Therefore, to ascertain whether or not the proposal would be inappropriate development an assessment of its effect on openness and the purposes of including the site within the Green Belt is required.
8. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant, and openness might have a spatial as well as a visual aspect. The Supreme Court has held that a consideration of openness in any given case is a matter for the decision maker and may or may not include a consideration of the visual aspect of openness. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
9. The appeal site is only the area within the red line on the submitted plan and does not include the factory buildings or the remainder of the embankment. There are no buildings, structures or other development on the site at present and it is unvegetated, following felling of trees on the embankment.
10. Due to the extent of excavation proposed, a substantial volume of land would be removed which would significantly change the land levels at the base of the embankment. The proposed hardstanding and a retaining wall would introduce built development into this area. The proposal to store goods up to a maximum of 2.2 metres high would introduce features of greater height than the part of the embankment to be excavated, along a considerable length. The proposal would therefore reduce the spatial openness of this part of the Green Belt.
11. The proposed development would also extend beyond the existing built form and storage area of the factory into a currently undeveloped area. Given that the site lies within the countryside, there would consequently be a degree of encroachment, albeit this would be relatively minor in scale.
12. The site is highly visible from within the factory site, along the adjacent access road. It is less visible from the wider public realm, however it can be seen from a footpath at the top of the embankment, although the formal status of that route is unclear. By introducing built development and storage at the height proposed, the proposal would alter the openness of the site in visual terms.

However, any views of the proposal which could be achieved from public viewpoints would be read within the context of the adjacent wider factory site and its storage areas. As such, the loss of openness of the wider Green Belt in visual terms would be localised and limited.

13. Furthermore, I acknowledge that trees would be planted along the embankment, either through the Restocking Notice served by the Forestry Commission or via a condition should this appeal succeed, which would eventually provide screening. A condition could also be attached to limit the stacking height of goods. These measures would further limit the proposal's impact on openness in visual terms.
14. Nevertheless, the proposal would fail to preserve the openness of the Green Belt and would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. As such, it would not fall within exception 146 b) of the Framework and therefore constitutes inappropriate development in the Green Belt. For the same reasons the proposal would also conflict with Policy 1 of the CS.

Other considerations

15. The appellant has suggested that the storage areas in the site are full and, to allow the company to continue to operate safely and to grow, train and employ more local people, additional areas are urgently required. It is also suggested that the proposal would allow the company to recycle more plastic waste. Policy 10 of the CS and the Framework collectively support the growth and expansion of existing businesses, to which significant weight is afforded.
16. I have not been provided with detailed information on the extent and operation of the existing storage areas or the exact requirements for further storage. I am not therefore persuaded that this proposal is the minimum necessary or is the only option within the large factory site for additional storage. Additionally, there is no compelling evidence to indicate that without the proposal the factory would cease to operate safely or that the proposal would result in a material boost to the local economy or employment. As such, the potential economic benefits that would directly result from the proposal are unclear and I can therefore afford them limited weight.
17. I acknowledge that the ability to recycle more plastic waste is a potential benefit of the proposal. However, in the absence of detailed information to demonstrate how the proposal would contribute to this, I can only afford this matter limited weight.
18. The appellant also notes that the proposal would result in a biodiversity net gain through the planting of trees adjacent to the appeal site should the proposal be allowed. The relationship between the tree Restocking Notice issued by the Forestry Commission and any proposed tree planting should this appeal be allowed is unclear. Nevertheless, based on the information before me, it appears that trees are due to be replanted, irrespective of this proposal. I therefore afford this matter limited weight.
19. It is also proposed to include bird and bat nesting boxes, and off-site tree planting or habitat management options. However, due to the small scale of these potential biodiversity enhancements, they attract limited weight.

Whether very special circumstances exist

20. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. The proposal would constitute inappropriate development in the Green Belt. It would cause harm to its openness and conflict with one of the purposes of including land within it. Having regard to the Framework I give this harm substantial weight. The other considerations advanced in support of the appeal, whether taken individually or cumulatively, do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

22. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I recommend that the appeal should be dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree that the appeal should be dismissed.

L McKay

INSPECTOR