



Appeal Decision

Site visit made on 13 July 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/R0660/W/21/3271827

Brownlow Inn, Brownlow Heath Lane, Brownlow CW12 4TH

- 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 Mark Taylor against the decision of Cheshire East Council.
 - The application Ref 20/4096C, dated 17 September 2020, was refused by notice dated 26 January 2021.
 - The development proposed is 'construction of extension to existing PH car park, associated landscaping and lighting'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would represent inappropriate development in the Green Belt; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development in the Green Belt

4. The appeal site comprises a parcel of agricultural land located to the rear of the Brownlow Inn public house. The site is surrounded on other sides primarily by open fields with some dwellings to the north. The proposal seeks to extend the existing car park into the appeal site and increase the number of available parking spaces by 25 with associated landscaping. The evidence suggests that the lighting mentioned in the description of development has subsequently been removed from the plans prior to the determination of the application.

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 150 of the Framework outlines various exceptions. Of relevance to this appeal are paragraphs 150 (b) & (e). These advise engineering operations and material changes in the use of land are not considered inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. The site is currently an open area of land, free from built development. The laying of hardstanding as an engineering operation in and of itself for the car park would have a limited impact on openness. However, parking for up to 25 vehicles, and therefore the proposed use of the land, would inevitably cause a reduction in the openness of the Green Belt spatially.
7. Some screening is proposed in the form of landscaping for the appeal scheme. Whilst this would reduce the visual effect of the proposed development, it would remain visible from Brownlow Heath Lane and within the existing pub car park. Consequently, the proposal would also lead to a reduction in the visual aspect of the Green Belt's openness.
8. I understand the car park may not be at full capacity all of the time and levels experienced in the new section would be intermittent. However, the car park would not need to be permanently full to impact on the openness of the Green Belt and cause encroachment into the countryside. I therefore disagree there would be no harm in this regard. While the current situation involves parking within the Green Belt, this is alongside an existing road which requires no works to facilitate. Moreover, if parking in the new area of the car park would be intermittent, it would follow that parking along the road would also be intermittent. Indeed, this would align with my own observations on the site visit during which time I observed 3 cars in the car park and none along the road, albeit at midday on a Tuesday.
9. With the above in mind, the appeal scheme would not fall within the exceptions set out in paragraph 150. While the size of the car park would be small in relation to the whole Green Belt area, for the above reasons the proposal would be inappropriate development in the Green Belt.
10. In accordance with paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm is attributed substantial weight.

Other Considerations

11. Whilst road-side parking is not likely to be as convenient to visitors as the parking arrangements that the appeal proposal would provide, it is an existing situation. I have not been provided with any substantive evidence that the use of the highway in this manner is harmful to the safety of pedestrians, cyclists or drivers. I note the Council's Highways advisors concur.
12. Accident data provided by the appellant indicates 1 serious and 1 slight incident in the vicinity of the appeal site over a 20-year period and none in the most recent 5-year study. It does not necessarily follow that a lack of accidents means a road is safe. However, the appellant's data would align with my own observations on the site visit. I am mindful that this section of Brownlow Heath

Lane is straight with long range visibility in both directions. As such I am unconvinced that the proposed development could be justified on highway safety grounds

13. The additional parking spaces provided by the scheme would bring the total number to a level that would meet Council standards for a building of this size and use. It would also provide additional disabled spaces, although I note these are proposed to be located within the existing car park. I acknowledge implementing these spaces without the proposed car park may not be feasible as the total number of spaces may decrease. However, the general benefit of extra parking closer to the pub would be worthy of only limited weight given my other findings on highway safety. The lack of objection from the highways department to the design of the scheme and compliance with relevant policies in the development plan would be neutral rather than of benefit in the planning balance.
14. I am advised that the proposed Congleton Link Road could increase traffic levels along Brownlow Heath Lane. However, there is no substantive evidence before me that this would be the case and I note the highways advisors consider the existing situation whereby cars are parked on the side of the road during busy periods acts as an informal traffic calming measure.
15. Moreover, the Council intends to monitor traffic levels nearby as part of the Link Road implementation with potential for management measures should levels dictate this need. I have been provided with photographs showing damage to the road caused by parking. However, this would be a matter for the Council to address and it has not indicated there are issues with maintenance. As such, the benefits of reducing the number of cars parking along the highway attracts limited weight in favour of the proposal.
16. I am informed the business owner has plans to invest in the pub and adjacent B&B. Given the ongoing COVID-19 pandemic and the negative impact on the hospitality sector as a whole, I sympathise with the business owner in this regard. I understand a local bus route has also ceased in the meantime. However, from the information before me, the B&B has its own parking area, and it is unclear as to why disabled toilets and baby changing facilities in the pub cannot proceed without the car park.
17. Furthermore, while there is clearly significant local support for the proposal, there is nothing substantive before me to indicate customer numbers would decline without expansion of the car park. Similarly, I have little information as to why cyclists would avoid using this method of travel as there appears to be space to accommodate cycle parking within the existing car park. In any event, the investment in a rural business would bring some economic benefits and alongside the local support this would attract limited weight in favour of the proposal.

Other Matters

18. My attention is drawn to a planning permission¹ which the appellant considers relevant to the appeal. I have little information on this, which appears to relate to an overflow car park at a business park. However, I agree each proposal

¹ 15/5854C

should be assessed on its own merits, as I have done in the determination of this appeal.

Conclusion

19. The proposal would be inappropriate development which would be harmful by definition. It would result in a reduction the Green Belt's openness and conflict with the purposes of including land within it. These harms would be worthy of substantial weight. I have taken on board the other considerations as they are relevant to the appeal and, for the reasons I have given, they would be afforded only limited weight both individually and cumulatively. As such, they would not clearly outweigh the harms that I have found. Consequently, they would not amount to the very special circumstances necessary to justify the proposal.
20. As such the proposal would conflict with Policy PG3 of the Cheshire East Local Plan Strategy (July 2017), Policy PS7 of the Congleton Borough Local Plan First Review (January 2005) and Green Belt policy as set out in paragraphs 147 - 151 of the Framework. Collectively, these seek to ensure Green Belt land remains permanently open. The appeal should therefore be dismissed.

C McDonagh

INSPECTOR