



Appeal Decision

Site visit made on 22 June 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/J3720/W/21/3267947

Dog Inn, Henley Road, Mappleborough Green B80 7DR

- 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 Euro Car Parks Limited against the decision of Stratford on Avon District Council.
 - The application Ref 20/02106/FUL, dated 28 July 2020, was refused by notice dated 10 November 2020.
 - The development is erection of a 1 x 4 metre high column with automatic number plate recognition (ANPR) camera.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Development has been carried out and therefore planning permission is being sought retrospectively. The appeal has been determined using the plans submitted to the Council, which provide the basis for which planning permission is being sought.
3. The revised National Planning Policy Framework (the Framework) was published 20 July 2021 and introduced a number of revisions that may be pertinent to the proposal. Consequently, the main parties were given an opportunity to comment on the revised Framework and any subsequent implications that may have emerged.

Main Issues

4. The main issues are:
 - (a) whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (b) the effect on the Green Belt's openness and the area's character and appearance; and
 - (c) whether the 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 development.

Reasons

Inappropriate Development

5. The site comprises land associated with the Dog Inn, which is a grass verge located adjacent to an access off Henley Road. The immediate vicinity is characterised by residential dwellings, education facilities and garden centres. Beyond that is open countryside, and this is reflective of the site's location within the West Midlands Green Belt.
6. The development comprises the erection of a 1 x 4 metre high column with an automatic number plate recognition (ANPR) camera and associated cabinet. It is understood that the ANPR camera functions for the private benefit of the Dog Inn and is of limited utility to the wider public transport network.
7. In this context, the Framework is clear that new buildings are inappropriate development in the Green Belt, and there is no evidence in front of me demonstrating that the ANPR camera does not comprise a building¹.
8. Therefore, to be regarded as not inappropriate development it would need to satisfy one of the exceptions identified under Paragraph 149 of the Framework or comprise a specified form of other development under Paragraph 150 of the Framework.
9. Paragraph 150 c) of the Framework sets out that local transport infrastructure is regarded as being not inappropriate in the Green Belt, provided such infrastructure preserves its openness, does not conflict with the purposes of including land within it and can demonstrate the need for a Green Belt location.
10. In this case, and in the absence of tangible countervailing evidence, the development would serve a private interest associated with the operation of the Dog Inn and would not contribute to the wider public transport network.
11. Consequently, I cannot conclude that it is local transport infrastructure, and it would not fall within Paragraph 150 c) of the Framework. Accordingly, the development comprises a new building which fails to satisfy the exceptions identified under Paragraph 149 of the Framework or comprise a specified form of other development under Paragraph 150 of the Framework.
12. Therefore, the development comprises inappropriate development in the Green Belt. Paragraph 147 of the Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework goes on to establish that substantial weight is given to any harm to the Green Belt.
13. Policy CS10 within Stratford-on-Avon District Core Strategy 2016 (CS) provides the development plan's Green Belt policy and is largely consistent with the Green Belt policy within the Framework insofar as it is relevant to the subject matter of this case.

¹ Any structure or erection under Section 336 of the Town and Country Planning Act 1990.

14. In essence it also resists inappropriate development in the Green Belt, except in cases where very special circumstances are justified in accordance with the provisions of national policy and does not include provision for development akin to ANPR cameras within the Green Belt.

Effect on Openness and Character and Appearance

15. It is clear from the site's context that the development would sit amongst other similar kinds of structures and erections, such as lampposts, traffic lights, signage, bollards, and electrical kiosks, among other things. The development would be similar in its utilitarian nature, scale, and siting, and alongside these other structures and erections would be read collectively as an item of street furniture. This helps the development assimilate neatly into the local context.
16. Given the limited footprint of the development, it would have a correspondingly limited effect on the spatial component of the Green Belt's openness. Similarly, due to its relationship and consistency with other street furniture in the immediate locality, the development would have a limited effect on the visual component of the Green Belt's openness.
17. Notwithstanding the above, there is no evidence that an assessment of openness or other such effects on the Green Belt can overcome my earlier findings on the provisions within Paragraph 147 and 149 of the Framework, which makes clear that inappropriate development is, by definition, harmful to the Green Belt.
18. The development would assimilate into the character and appearance of the area for similar reasons outlined in my preceding paragraphs in relation to effects on openness, due to its position amongst other similar forms of street furniture. Consequently, it would not harm the character and appearance of the area or the qualities of the Arden Special Landscape Area.
19. Overall, the development would not harm the character and appearance of the area and would be in accordance with Policy CS.9, CS.12 and AS.10 of the CS, which among other things requires development to respect the relationship with the landscape. However, the development would still harm the Green Belt by reason of inappropriateness.

Other Considerations and Very Special Circumstances

20. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
21. In relation to effects on the character and appearance of the area, an absence of harm or a reduced level of harm should not be counted as a positive consideration in support of the development, wherein the relevant judgement² has established that the absence of a severe harm cannot reduce the harm by reason of inappropriateness.

² R (Lee Valley Regional Park Authority) v Broxbourne BC [2015] EWHC 185 (Admin)

22. In order for other considerations to clearly outweigh the totality of harm these must be positive factors that weigh in favour of the proposal. Enhancing the Green Belt's openness may comprise one such other consideration that could potentially be advanced in support of a development. However, there is no evidence of enhancements being delivered in conjunction with the development in this case.
23. It is understood that the ANPR camera functions for the private benefit of the Dog Inn and is not of any utility or operational benefit to the wider public transport network. There may be other benefits associated with how the Dog Inn operates on a day to day basis and socio-economic benefits therein. However, it has not been demonstrated how the ANPR camera would boost socio-economic activity or reduce antisocial activity to any particular degree.
24. For example, among other things, there are no business records demonstrating the positive effect the ANPR camera has had on trade since it was installed. Consequently, it is not clear what level of public benefit can be derived from the development.
25. I note the emerging Site Allocations Plan. However, given that it has not been examined, allocations within the plan can change accordingly, and would carry limited weight in the balance.
26. Overall, the development is inappropriate development in the Green Belt, and I have found that the other considerations in this case would be limited and would not clearly outweigh the identified Green Belt harm which carries substantial weight.
27. The very special circumstances necessary to justify the development do not exist. Consequently, the development would not accord with Paragraphs 147, 148, 149 and 150 of the Framework, or Policy CS.10 of the CS, which among other things seek to control inappropriate development in the Green Belt.

Conclusion

28. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR