



Appeal Decision

Site Visit made on 29 June 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 September 2021

Appeal Ref: APP/H3700/W/20/3258878

Packington Lane Landfill Site, Packington Lane, Little Packington CV7 7HN

- 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 SUEZ Recycling and Recovery UK Ltd against the decision of Warwickshire County Council.
 - The application Ref: NWB/19CM022, dated 30 September 2019, was refused by notice dated 5 March 2020.
 - The development proposed is a road sweepings recycling facility.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issues

3. The main issues relevant to this appeal are:
 - the suitability of the site as a location for the proposed development.
 - whether the proposed development would be inappropriate in the Green Belt;
 - the effect of the development upon the openness of the Green Belt;
 - the effect of the development upon the character and appearance of the surrounding area; and
 - 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

The suitability of the site

4. Policy CS2 of the Warwickshire County Council Waste Development Framework Core Strategy (2014) (the Waste Core Strategy) states that proposals involving the processing of waste should be located in areas that meet one of the prescribed list of criteria. From the evidence before me, it is apparent that the appeal site is not located on general industrial land, or an industrial estate.
5. In addition, the proposed development would not be located in an area of the site that is used for an existing waste management purpose. Furthermore, the appeal proposal would not result in the re-use of redundant agricultural or forestry buildings.
6. Whilst I understand that the wider appeal site has previously been used for landfill, this use has since ceased and the land is in the process of being restored and landscaped. It is therefore not currently accepting waste materials for landfill and the evidence before me is not indicative that this situation will change in the foreseeable future. In result, the site cannot be accurately described as an existing landfill facility.
7. Some processing of waste does take place within the wider appeal site. However, this does not take place in the same location as the proposed development would be sited in. Furthermore, these activities are expected to cease during the life of the proposed development.
8. Although the appeal site could potentially be described as previously developed land, the site due to the restoration works that have been carried out, including landscaping and planting, has a high environmental value.
9. Whilst the proposed development is near to a settlement and the wider road network, this is only one of the requirements of Policy CS2. Therefore, this point does not carry a significant amount of weight and therefore does not outweigh my previous concerns.
10. The appellant has suggested that there are no suitable alternative sites to accommodate the proposed development. However, the policy is clear that new waste facilities should be located in locations that comply with the prescribed site characteristics.
11. Therefore, the appeal site does not meet the criteria specified in Policy CS2 of the Waste Core Strategy. This outlines the mechanism by which potential waste processing sites can be assessed. In result, I conclude that the appeal site is an unsuitable location for the proposed development.

Whether inappropriate development

12. The appeal site is located in the Green Belt, which is identified by Policy NW3 of the North Warwickshire Core Strategy (2014) (the Core Strategy). The National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this, which are listed in Paragraph 149 of the Framework.
13. However, the appeal proposal does not pertain to agriculture, forestry, appropriate sports or recreation facilities, a replacement building, limited infilling in a village, affordable housing for local needs or the redevelopment of

previously developed land as the site has been returned to a more natural state.

14. I therefore conclude that the proposed development represents an inappropriate use in the Green Belt as defined by the Framework and Policy NW3 of the Core Strategy.

Effect on the openness of the Green Belt

15. The appeal site is predominantly open in character and is substantially landscaped. In addition, the carrying out of activities including wood and compost processing occupy a relatively small proportion of the appeal site. The wider area surrounding the appeal site consists of open countryside.
16. The proposed development would feature a number of different elements including a haul road, lighting, a weigh bridge and office, and the road surface shredding apparatus. These items, in unison, would result in a significant increase in the overall level of built form within the appeal site. This would result in an erosion of the spatial sense of openness that is a feature of the Green Belt.
17. In addition, some elements of the proposed development would be readily apparent from some distance away. This means that the increased amount of built structures would also erode the physical sense of openness that is a feature of the appeal site's vicinity.
18. The appeal documentation indicates that the proposed development would operate for significant parts of the day. This means that during periods of darkness, such as that which might occur during winter months, lighting would be used on the site. This would therefore increase the prominence of the appeal site and create a more developed appearance. In addition, views of vehicles associated with the proposed development crossing the appeal site would also be readily apparent.
19. I acknowledge that there are a number of landscaped features within the appeal site and the vicinity. Whilst these may provide some screening, the effect would be less than total. Therefore, they do not overcome my previous concerns. These factors, in unison, would lead to an erosion of the physical sense of openness of the Green Belt.
20. The appeal site would be near to other developments and installations associated with other activities that are carried out on the site, such as tanks. However, one of the purposes of including land within the Green Belt is to preserve its sense of openness. Therefore, the increase in built form would have an adverse effect on the Green Belt.
21. It has been suggested that the nature of the appeal proposal would be similar, in appearance, to a mineral extraction facility. However, whilst the Framework is clear, at Paragraph 150 whilst that such a facility might not be inappropriate in the Green Belt, it should not have an adverse effect on the overall level of openness. As I have identified harm to the overall level of openness arising from the appeal proposal, I do not find that this comparison allows me to disregard my previous concerns.
22. Whilst the existing activities are of a temporary nature, the proposed development in conjunction with these would create an adverse effect. In

addition, the scale of the development is such that these adverse effects would remain even after the existing activities cease.

23. I therefore conclude that the proposed development would have an adverse effect upon the Green Belt's openness. The development would therefore conflict with Policy DM1 of the Waste Core Strategy; Policy NW1 of the Core Strategy; and the Framework. Amongst other matters these seek to maintain the openness of the Green Belt; require that new waste developments conserve, and where possible enhance, the natural environment; and are assessed against the policies in the Framework taken as a whole.

Character and appearance

24. The appeal site is located outside of any settlement and features some landscaping. In addition, the surrounding countryside is of a rolling nature. However, the appeal site, on some sides, is also near to other built developments. The appeal site is also near to several roads.
25. Whilst the proposed development would be near to some other developments as previously described, the appeal site, in its current form appears divorced from these. The proposal would therefore result in an increase in the perceptible level of built form within the countryside. Although the development would be set back from the road network, some elements would be perceptible. This would lead to an erosion of the rural character.
26. This would be exacerbated by the presence of lighting associated with the scheme. In addition to physical lighting that would illuminate items such as the haul road, lights would also be apparent from vehicles manoeuvring around the site. This would therefore create a more developed, and urbanised character, that would conflict with the more rural surroundings of the immediate vicinity.
27. Lighting cowls could be installed, which would reduce the level of spillage of light. However, these would not completely overcome the visibility of the resultant lighting or lights from vehicles. Therefore, they do not overcome my concerns. Furthermore, whilst commercial vehicle movements may not be unexpected within rural areas, they are most typically associated with activities more commonly undertaken in the countryside.
28. In addition, the proposed development would have a more engineered appearance than the wider rural character owing to the type of equipment that would need to be present to carry out the intended activities. This would mean that the proposal would erode the rural character of the surroundings.
29. Whilst the appeal site features some equipment associated with the carrying out of waste processing, these are only permitted for a time-limited duration. Therefore, there is a reasonable expectation that they would be removed during the period that the appeal scheme would be operational. As such, their presence does not allow me to forego my previous concerns.
30. The proposed development would be screened, to some degree, by landscaping either on the appeal site, or elsewhere. This includes nearby woodland. Whilst this would reduce the overall effects of the development and its prominence as some views would be screened, it would not completely remove its adverse effects. Therefore, I do not find this to be persuasive.

31. Whilst the development is intended as a temporary measure, it would still be in situ for a substantial number of years. Therefore, whilst this time-limited duration would reduce the harm arising from the development, it would not completely overcome the adverse effects on the natural environment.
32. I therefore conclude that the proposed development would have a moderate adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy DM1 of the Waste Core Strategy; and Policy ENV1 of the Core Strategy. Amongst other matters, these seek to ensure that new waste developments conserve, and where possible enhance, the natural environment; and that developments protect or enhance the intrinsic qualities of the existing landscape.

Other considerations

33. The proposed development would result in an increase in the overall level of economic activity. However, the benefits of this are tempered by the time limited duration of the proposed economic activities. In consequence, I give these a limited amount of weight.
34. I note that the appellant has undertaken an assessment of alternative sites. However, it would appear that there are still some alternative sites elsewhere, as identified by the Council that have not been thoroughly assessed. Furthermore, it has not been conclusively demonstrated that the appeal site represents the only geographical area where such process might take place. Therefore, I give the paucity of sites elsewhere a limited amount of weight.
35. I also note that the proposal would result in the processing of more waste materials. However, it appears that the development would serve a geographical area wider than the vicinity of the appeal site. In consequence, and given the previously identified levels of adverse effects, I give the benefits arising from the increased processing of waste a limited amount of weight.
36. The proposed development, in its initial stages would operate alongside other waste processing activities, which would potentially reduce the number of journeys that need to be made transporting waste. However, these are time-limited and are expected to cease during the life of the proposed development. Therefore, there are limited operational benefits. Furthermore, the proposed development is of such a scale that the adverse visual effects would arise irrespective of whether the existing activities continue. I therefore give these points a limited amount of weight.
37. The proposed development would result in the planting of some new trees. Whilst this would be of some benefit in terms of improving the appearance of the development, they would not fully screen it. Therefore, I can also only give this matter a limited amount of weight.
38. Therefore, each of the benefits arising from the scheme, either individually, or in unison can be given a limited amount of weight.

Other Matters

39. The evidence is not indicative that the proposed development would result in an adverse effect on biodiversity or flood risk. Whilst these are matters of note, they are only some of all the issues that must be considered. Therefore, they do not outweigh my findings in respect of the main issues.

Planning Balance and Conclusion

40. The development plan and the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
41. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
42. The other considerations I have identified individually and collectively carry a limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
43. In addition, the proposed development is inappropriately located and would have a moderate adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed

Benjamin Clarke

INSPECTOR