



Appeal Decision

Site Visit made on 2 September 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/C2741/W/21/3276505

Moor Farm, Moor Lane, Bishopthorpe, York YO23 2UF

- 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 Mrs Julia Medforth against the decision of City of York Council.
 - The application Ref 20/01401/FUL, dated 29 July 2020, was refused by notice dated 10 February 2021.
 - The development proposed is described as “use of land for the siting of eleven shipping containers for storage purposes”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The shipping containers were in place at the time of my site visit. I have assessed the appeal accordingly.
3. Since the submission of the appellant’s appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issues

4. The main issues are:
 - i) Whether the development is inappropriate development in the Green Belt;
 - ii) Whether the development is in a suitable location; and
 - iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposals.

Reasons

Whether inappropriate development

5. Saved Policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy 2008 (RSS) and Policy GB1 of the emerging City of York Local Plan (LP) relate to development within the Green Belt. Paragraph 149 of the Framework also states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes limited infilling or the partial or complete

redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.

6. I am satisfied that the appeal site constitutes previously developed land given the use of the site as storage facilities. There is no indication that the shipping containers subject of this appeal have replaced any other buildings on the site. Therefore, in spatial terms, the steel containers do increase the volume of built development on the site and subsequently do have a greater impact on the openness of the site and the Green Belt.
7. Visual impacts form part of the concept of openness of the Green Belt. The containers are screened to some extent by existing buildings on the site, permitted fencing and landscaping. The containers are not tall structures yet they are still visible particularly from close proximity including from neighbouring properties, surrounding fields and the adjacent road. The containers do have an intense visual impact on the openness of the area.
8. In both spatial and visual terms, the steel containers have a greater impact on the openness than if they were not located on the site. The proposal is therefore inappropriate development in the Green Belt and as such conflicts with saved Policies YH9 and Y1 of the RSS, emerging Policy GB1 of the LP and the Framework which seeks to safeguard the Green Belt from inappropriate development and impacts on openness.
9. The appellant indicates that the development can be regarded as "limited extension, alteration or replacement of existing buildings" as stated in Policy GB1 of the LP. I am not convinced of this given the size of the containers and the separation from existing buildings on site. In any case, Policy GB1 also requires development not to detract from the openness of the Green Belt, which, as I have stated above, I find the containers do detract from the openness of the Green Belt.

Suitable location

10. The appeal site is located outside any settlement limit and the Council consider that the site is remote from the customer base of the existing business. The appeal site has an existing use as commercial storage and the development does intensify this use. Nevertheless, as the site is currently for commercial storage and due to the size of the site and the steel containers as well as the scale of operations, I do not consider that the steel containers would undermine the wider sustainability objectives of the Framework.
11. Accordingly, I find that the containers and the associated use of the containers would be in a suitable location.

Other considerations

12. The steel containers provide affordable storage facilities for local residents and businesses that contributes to the local economy including employment opportunities for tenants of the containers and the applicant and her family. The containers do not have an adverse effect on the living conditions of neighbouring properties nor do they create any adverse effects in terms of highway safety. The appellant also considers the design of the containers complement the existing buildings on the site.

13. The appellants statement of case also refers to Policy EC5 of the LP and considers this to be relevant as Moor Farm was formerly a working farm, but the applicant and her family also own active farms in the York area, and they regard the business at Moor Farm as a valuable farm and rural diversification activity.
14. I have had regard to the appellants statement of case including that the appellant considers the steel containers to not be permanent buildings. Whilst I accept that the containers are not fixed to the ground this does not mean that they are not permanent structures, particularly as they are integrated units within the commercial operation and used by customers/tenants for storage.

Conclusion

15. 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 states that substantial weight is given to any harm to the Green Belt and that 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.
16. I have found that the containers are in a suitable location given the existing commercial use of the site. A number of other benefits have also been identified and I attribute moderate weight to these benefits. These matters and benefits would not clearly outweigh the harm that I have identified above, particularly given the importance the government gives to the protection of the Green Belt as reflected in the Framework.
17. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist.
18. I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR