



Appeal Decision

Site visit made on 21 February 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/P0119/W/21/3286110

Land adjacent to Lower Woodhouse Farm, Tockington Lane, Almondsbury, South Gloucestershire BS32 4LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Nick Dewhirst of Explosive Developments Ltd against South Gloucestershire Council.
 - The application Ref P21/05656/F is dated 23 July 2021.
 - The development proposed is the construction of 2 no. enclosures containing explosives magazines and associated upgrading of an existing field access point and access track.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 no. enclosures containing explosives magazines and associated upgrading of an existing field access point and access track at Land adjacent to Lower Woodhouse Farm, Tockington Lane, Almondsbury, South Gloucestershire BS32 4LU in accordance with the terms of the application, Ref P21/05656/F, dated 23 July 2021, subject to the conditions set out in the Schedule.

Preliminary Matters

2. As an appeal against non-determination, the Council did not issue a decision. Nonetheless, the Council has since considered the appeal application at committee, and resolved that planning permission for the proposed development would have been granted, subject to conditions.
3. Given the Council is supportive of the scheme, the main issues of this appeal will focus solely on considerations relevant to the location of the proposed development within the Green Belt.
4. As no address was included on the application form, I have taken the site address from the Council's officer report, although since the site is accessed off Tockington Lane rather than Fernhill, I have amended the address in the banner heading accordingly.

Main Issues

5. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and

- whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

6. The Framework is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149.
7. It is common ground between the parties that the proposed development, which comprises the construction of 2 x enclosures for the storage of explosive magazines, would not fall within any of these exceptions, and there is no reason before me to conclude otherwise. When assessed against the provisions of the Framework, I therefore agree that the proposal would be inappropriate development. Similarly, the development would also be deemed inappropriate when assessed against Policy CS5 of the Council's Core Strategy¹ (CS), PSP7 of the Policies, Sites and Places Plan (2017)² (PSP Plan) and the Council's Green Belt SPD³, all of which are consistent with the provisions of the Framework in terms of approach to development within the Green Belt.

Openness

8. The appeal site comprises a parcel of land within a field used for arable farming, and is surrounded on all sides by hedgerow and vegetation. Whilst the site is located in close proximity to the M5 motorway, the prevailing landscape in and around the appeal site is green and largely undeveloped. As a result, both the appeal site and the surrounding area are characterised by a strong degree of openness.
9. The proposal would introduce two separate enclosures for the storage of explosives, each measuring approximately 2.5 metres tall, and up to 8 metres in length. Given the land is currently undeveloped, the introduction of any built form would invariably result in some loss of openness. Whilst the loss of openness in this instance would be limited owing to the modest size of the enclosures, this factor would nonetheless weigh against the proposal.

Other Considerations

10. The appellant's evidence demonstrates a clear need for the storage of explosives near to Bristol, to support forestry and mineral extraction in and around Wales and the south-west of England. Such a need responds directly to the Framework's objectives of promoting mineral extraction, given its integral role in procuring the infrastructure, buildings, energy and goods required by the country.

¹ South Gloucestershire Local Plan, Core Strategy 2006 - 2027

² South Gloucestershire Local Plan, Policies Sites and Places Plan, adopted November 2017

³ Development in the Green Belt, Supplementary Planning Document (June 2007)

11. The locational requirements for the storage of explosives are exceptionally stringent. To ensure appropriate safety, such development must be sited at prescribed distances from properties, built up areas and roads. This means it will invariably need to be located on rural sites. Moreover, such development needs to have good proximity to the motorway network for ease of transportation, as well as nearby access to both police and a nominated keyholder. Together, these factors mean that sites which are both suitable and available are extremely limited.
12. The appellant has carried out an extensive search of potential sites for the proposed development across both Wales and the south-west, over a period of 2 years. Approximately 75 sites have been discounted, as they do not adhere to the requisite safety distances. Moreover, no viable sites were found outside of the Green Belt. Based on the evidence before me and given the comprehensive search undertaken, I am satisfied that the appellant's conclusion that there are no other suitable and available sites which would be more favourable than the appeal site, is both reasonable and justified. The Council agrees.

Planning Balance

13. The proposed development would constitute inappropriate development within the Green Belt, and would lead to some modest loss of openness. As per the provisions of the Framework, by definition, the development would therefore be harmful. Substantial weight must be attributed to this harm.
14. Nonetheless, given the evidenced need for the development, the stringent locational criteria which must be met for the storage of explosives and the lack of suitable alternative sites, I also attribute substantial weight to these other considerations. When looking at the case as a whole, I find that these other considerations do clearly outweigh the harm that I have identified. On this basis, I consider that very special circumstances do exist which justify the development proposed.
15. In this context, the development would be consistent with Policy CS10 of the CS, which promotes mineral extraction within the Council's area. The development would also be consistent with Policies CS5 of the CS and PSP7 of the PSP Plan, as well as the guidance in the Council's Green Belt SPD, which say any development within the Green Belt must comply with the relevant provisions of the Framework. In turn, the Framework allows development in the Green Belt, even where inappropriate, provided very special circumstances exist to justify the proposal.

Conditions

16. The Council has supplied a list of suggested conditions which I have reviewed and amended in line with the Framework and the Planning Practice Guidance.
17. I have included a plans condition for certainty over the development permitted. A condition has also been included regulating use of the site, ensuring it is restricted to the storage of explosives only (which specifically justifies the location of the site within the Green Belt).
18. To protect the highway network, access to the site must not drain onto the highway. The access must also be surfaced in a bound material to prevent displacement of mud onto the surrounding roads.

19. To ensure the green credentials of the site are retained as part of the development, I have included a condition requiring a landscape scheme to be submitted, approved and subsequently implemented. This scheme includes a requirement to implement protection measures for any trees and hedgerows to be retained as part of the development. Given the importance of conserving the verdant quality of the site, this is a pre-commencement requirement.
20. A condition has also been included requiring colour details of the blockwork enclosures to be submitted and approved. This is needed to ensure the visual impact of the development is mitigated as far as possible. Again, this is a pre-commencement requirement so that the approved details can be properly integrated into the development plans.

Conclusion

21. Whilst the proposal would constitute inappropriate development which would be harmful to the Green Belt, there are other considerations which would outweigh the harm in this instance. As such, very special circumstances have been demonstrated which justify the proposal. For the reasons given, and having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal should therefore be allowed.

James Blackwell

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 826/21/01B (Location Plan); 826/21/02C (Site Plan); 826/21/03B (General Arrangement Plan); 826/21/04B (Plan, Elevations and Sections of Magazine 1); 826/21/05A (Plan, Elevations and Sections of Magazine 2); 826/21/06A (Safeguarding Plan).
- 3) Use of the site and the explosive magazine enclosures shall be used for the storage and distribution of explosives and for no other use. In the event of the cessation of use, the buildings and enclosures shall be removed and the land restored to agricultural use.
- 4) The access must not drain onto the public highway and its first 10 metres shall be surfaced in a bound material to prevent materials being displaced onto the highway from vehicle tyres.
- 5) Prior to the commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of all existing trees and hedgerows on the land (and identify those to be retained which shall include those to the south and west of the site) and shall set out measures for their protection throughout the course of development. Any planting, seeding or turfing comprised in the approved scheme shall be carried out in accordance with the approved details no later than the first planting season following first use of the development.
- 6) Prior to the commencement of development details of the colour of the external elevations of the blockwork enclosures hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development of the blockwork enclosures shall be carried out in accordance with the approved details and retained as such thereafter.

End of Conditions