
Appeal Decision

Site visit made on 7 June 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2022

Appeal Ref: APP/B3030/W/22/3293016

Hutchinson Engineering Services Ltd, Great North Road, Weston NG23 6SY

- 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 Ian Hutchinson (Hutchinson Engineering Services Limited) against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02245/FUL, dated 15 October 2021, was refused by notice dated 2 December 2021.
 - The development proposed is change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When on my site visit, I observed that the appeal site had already been cleared with the existing landscaping also having been removed. I also saw that there were several vehicles parked there. Notwithstanding this, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.

Main Issues

3. The main issues are:
 - whether the proposed development would represent an unacceptable encroachment into the open countryside; and
 - if the proposed development is an unacceptable encroachment whether this would be justified by the reasonable needs of the existing business.

Reasons

Whether an unacceptable encroachment

4. The appeal site is an area of vacant land located at the end of an existing yard/depot used for the storage of vehicles by a haulage business that is owned and operated by the appellant. The haulage business site is separated from the appeal site by a concrete wall with a large metal gate allowing vehicular access between them. On its other sides the appeal site is bounded by a hedgerow with a height lower than that of the wall. The appeal site and the existing haulage business site are surrounded by open countryside. It is proposed to extend the existing haulage depot yard to incorporate the appeal

site with a new concrete security wall with an approximate height of 2 metres being erected on its outer boundaries. The existing hedgerow would be retained.

5. While on my visit, I observed that the tops of several vehicles in the existing yard as well as some parked on the appeal site were partially visible from public vantage points such as the nearby public bridleway and footpath. I also saw that there is a gap in the hedgerow when viewed from the bridleway and that the hedgerow around the appeal site was not as high as the boundary walls or other hedgerows around the rest of the wider haulage depot site. In addition, I also saw that the existing site was clearly visible from public vantage points on the A1.
6. As the proposal would introduce development and vehicles onto land that is currently open it would represent an encroachment into the countryside. Additionally, in the context of the above it would be likely to have a significant adverse visual impact on the openness of the countryside. It would also therefore fail to ensure that the rural landscape has been protected and enhanced. I note that the extended yard would not always be full of vehicles. However, this is not the same as the proposal having no visual impact at all in this regard.
7. I also note that the appeal site would be bounded by a medium-height hedgerow. However, this would not immediately be of a sufficient height to obscure either the haulage vehicles, cranes and other high sided vehicles which would be at least partially visible above them. In addition, even if the hedgerow was as high or higher than the wall, it would not be sufficient in and of itself of obscuring the proposal fully from view given its visibility from the A1 and through the existing gaps in the hedge.
8. Furthermore, the hedge around existing haulage yard is higher than that which bounds the appeal site, and yet it still does not fully obscure the existing development and vehicles in the yard from view. Moreover, as highlighted by appellant, the haulage yard is currently full of vehicles on a weekend. Consequently, it would be reasonable to think that the appeal site would also be full of vehicles at this time meaning that any visual impact caused would be greater at that time.
9. I note the appellant's point that the most visible element within the existing haulage depot site is the workshop building that is situated towards the front of the site and that while the existing site is visible in the landscape, its impact is moderated by the low profile of on-site parking and storage, and the screening afforded to it. However, no substantive evidence, such as a Landscape and Visual Impact assessment has been submitted to support this. Additionally, this does not mean that the proposal would not have any visual impact in its own right.
10. Moreover, as set out above, I consider that the proposal and the vehicles that would be stored on the appeal site would be visible from the footpath and bridleway. In addition, as shown by the appellant's photographic evidence and from what I observed on my visit the existing haulage depot is clearly visible from public vantage points on the A1. As a result, I consider that the proposal would also be clearly visible from the A1, particularly by users of the two laybys as well as people travelling in both directions. While some of these views would be transitory, this is not the same as it not being visible at all or it

not having any visual impact on the landscape in addition to the existing site and business.

11. Additionally, the fact that the landscaping and tree planting approved under previous permission (Ref. 18/00251/FUL) would not be retained means that the proposal would not benefit from the additional screening that did, in conjunction with the hedgerow, provide sufficient screening to mitigate the adverse impact of the previous approved scheme. Consequently, to my mind, the proposal would not be sufficiently screened to adequately mitigate its adverse visual impact particularly when viewed from the A1.
12. I also note that the Hall Farm Site has larger and taller buildings than the existing site meaning that it has a greater visual impact on the landscape than the lower profiled proposal would. However, this does not mean that the proposal would not have any visual impact at all. In any event I am considering the appeal scheme on its own merits.
13. I therefore conclude that the proposed development would represent an unacceptable encroachment into the open countryside. Accordingly, it would fail to meet the relevant requirements of Core Policy 13 of the adopted Amended Core Strategy (ACS) and Policy DM5 of the adopted Allocations and Development Management Development Plan Document (ADM).

Whether justified

14. Spatial Policy 3 of the ACS states that development in the open countryside will be strictly controlled and restricted to uses which require a rural setting. Policy DM8 of the ADM gives further detail on how development proposals within the open countryside will be determined with small scale employment development only being supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6 of the ACS. It also supports proposals for the proportionate expansion of existing businesses where they can demonstrate an ongoing contribution to local employment. Core Policy 6 states that development which sustains and provides rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.
15. Both main parties agree that the appeal site is located within the open countryside and from the evidence before me I see no reason to disagree. As result the proposal would have to be in accordance with the aforementioned development plan policies for it to be acceptable in principle.
16. The proposal would expand quite a large haulage business site and operation into the open countryside. According to the appellant's statement it would be a proportionate expansion of an existing business in a countryside location that demonstrates an ongoing general contribution to local employment. However, while the proposal would likely demonstrate an ongoing contribution to local employment, I have no substantive evidence such as financial assessments or an employment assessment or a business plan to demonstrate that the proposal would a) be small scale or b) be a proportionate expansion of the existing business or c) meet a specific local need for rural employment. I also have no substantive evidence before me to show how many new jobs the proposal would create. Indeed, according to the Council's officer report the proposal would have a neutral impact on employment numbers.

17. I note that the appellant has stated that the plant and crane hire element of the business operation has expanded by approximately 30% since 2018 with approximately 8 additional staff members being hired since 2018. However, this is not the same as additional staff being employed as a direct result of the proposal and no substantive evidence has been submitted to show what current staff numbers are or how existing staffing levels would be affected by it.
18. Therefore, while I acknowledge that the proposal would in terms of its area represent a modest physical addition to the existing site, I cannot be certain that it would also represent a small scale or proportionate expansion of the existing business operation or that it would meet a specific local need for rural employment. Likewise, I am also not convinced that the proposed use requires a rural setting, that the need for it to be in a particular rural location has been demonstrated, or that it represents a sustainable growth and expansion of the business.
19. Furthermore, according to the evidence the original haulage business operation has been incrementally expanded over a long period. The evidence also shows that each time the business has been previously expanded its spatial footprint has extended further into the open countryside that surrounds it. Consequently, to my mind, these previous expansions in combination with the proposal would cumulatively represent a significant total expansion of the original business that would be comparatively disproportionate both in a spatial and visual sense. Indeed, according to the Council's officer report, it would equate to approximately one and a half times the site area of the original business.
20. I note the appellant argues that the existing site operation should form the basis of any comparison with the proposal in terms of the scale of the potential expansion. However, the previous expansions of the existing business and site are, in my planning judgement, relevant to the consideration of this case given its nature and the main issues I have identified.
21. The appellant has also argued that subsection 8 of policy DM8 only applies to new rural businesses and not the expansion of existing ones. However, this section of the policy refers to small scale employment development which in my view clearly refers to the development of a new or existing employment use. I also consider that this subsection is intended to give a clear steer on how the policy subsection would apply to proposals for the proportionate expansion of an existing business i.e., that such proposals would also need to be small-scale employment development where the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6 can be demonstrated. Moreover, it is my reading of the policy that it is intended to be applied as a whole where relevant rather than it being split into two separate parts as asserted by the appellant.
22. I note that paragraph 84 of the National Planning Policy Framework (the Framework) does not impose size limitations on the expansion of existing businesses. However, it specifically refers to the enabling of the sustainable growth and expansion of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings. The proposal would not convert an existing building, nor would it provide well-designed new buildings.

As highlighted above, I also have no substantive evidence that the proposal would represent a sustainable growth and expansion of the business. As a result, I afford this consideration limited weight.

23. I therefore conclude that the proposed development would not be justified by the reasonable needs of the existing business. Accordingly, it would fail to meet the relevant requirements of Spatial Policy 3 and Core Policy 6 of the ACS and Policy DM8 of the ADM.

Other Matters

24. I note the appellant's points with regards to similar development proposals being permitted in the District. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. In addition, given that these schemes either proposed a new building or extension within an existing site, therefore not being encroachment into the countryside, or were considered under a previous development plan or prior to the introduction of the Framework, I consider that the circumstances applicable to these schemes are not the same as those presented in this case, which I have determined on its own merits.
25. The appellant has argued that Core Policy 6 and Spatial Policy 3 of the ACS are not consistent with the Framework in particular paragraph 84. However, these policies aim to ensure that rural employment development proposals are appropriate for the open countryside and meet local needs. They also include references to sustainable access, not generating excessive car-borne traffic and the growth of business in areas for economic regeneration, infrastructure provision and environmental enhancement. As a result, I consider that these policies are broadly consistent with the principles of the Framework and paragraph 84.

Planning Balance and Conclusion

26. The proposal would not accord with the development plan when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within it. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR