



Appeal Decision

Site visit made on 18 October 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/P0240/W/22/3293880

The Paddock, Higher Rads End, Eversholt MK17 9ED

- 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 Des Brown (Project 1 Services Limited) against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03329/FULL, dated 15 July 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the change of use to builders yard.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - whether the proposal represents an inappropriate development in the Green Belt; and the effect of the development upon the openness of the Green Belt; 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

Whether inappropriate development and the effect on openness

3. The appeal site is located in the Green Belt. The development comprises the change of use of the appeal site to form a builders yard. This also involves the installation of a hard surfacing and the erection of a boundary fence.
4. My attention has been drawn to Policy SP4 of the Central Bedfordshire Local Plan (2021) (the Local Plan). Amongst other matters, this states that there is a general presumption against inappropriate development in the Green Belt.
5. This is consistent with the National Planning Policy Framework (the Framework). This regards the erection of new buildings in the Green Belt as generally being inappropriate. Given the scale and length of the proposed fence, I consider that it can be accurately described as being a building.
6. There are some exceptions to this, which are listed in Paragraph 149 of the Framework. However, the installation of the boundary treatments does not

meet any of the criteria listed within this section of the Framework. In consequence, the installation of the fence can be regarded as an inappropriate development in the Green Belt.

7. Paragraph 150 of the Framework specifies that certain other forms of development might not be inappropriate in the Green Belt. This includes the material change in the use of land. I understand that the appeal site has previously been used for the storage of materials. In consequence, the change of use of the land for use by a builder's business represents such a change in the use of the land.
8. However, for a development to not be inappropriate under the provisions of Paragraph 150, it needs to be demonstrated that the proposed development should preserve the Green Belt's openness and does not conflict with the purposes of including land within the Green Belt.
9. The proposed development represents the change of use of land for the provision of storage and includes the installation of hard standing. These items would result in an increase in the level of built form. In result, the spatial sense of openness would be eroded by the proposed development.
10. Furthermore, the proposed fencing would run for the entirety of the site's boundaries. This would be readily visible from several different vantage points in the surrounding area. Furthermore, there is a likelihood that stored materials would have a height greater than the boundary fences. Given the nature of the proposed appeal use, there is a possibility that larger vehicles or equipment would be parked on the site.
11. Such activities could be expected to occur on a regular basis, and, for these reasons, the development would be readily perceptible. This would mean that the development would have an adverse effect upon the physical sense of openness that is a feature of the Green Belt.
12. It has been suggested that a condition be imposed that would limit the height of stored materials. However, even if I were to impose such a condition, the height of stored materials would still be significant and would possibly be viewable over the height of the boundary treatment. In addition, such a condition would not restrict the parking of vehicles or equipment. Therefore, the possibility of imposing such a condition would not overcome my concerns.
13. The purposes of including land in the Green Belt are specified in Paragraph 138 of the Framework. The proposed development would result in the appeal site having a more urbanised and developed appearance. It would therefore contrast with the more rural surroundings of the appeal site. In reaching this view, I have had regard to the presence of undeveloped areas next to and opposite the appeal site. These give the vicinity of the appeal site a rural and less developed character.
14. In consequence, the proposed development would result in an urbanising effect upon the Green Belt. Therefore, the proposed development would not assist in safeguarding the countryside from encroachment. In consequence, the development would conflict with the purposes of including land in the Green Belt. In result, the proposed development would be inappropriate in the Green Belt for it would conflict with the provisions of Paragraph 150 of the Framework.

15. There are other new developments in the surrounding area. I do not have the full information regarding the planning circumstances of these which means that I can only give them a limited amount of weight. Nonetheless, I note that these have different locations, designs and types to the scheme before me. In result, they do not have the same effect upon the Green Belt as the scheme before me would have.
16. In addition, there are other examples of outside storage in the surrounding area. However, these would not have the same level of prominence as the scheme before me, which would also be viewed alongside an existing business. This means that their presence does not allow me to disregard my previous findings.
17. I therefore conclude that the proposal would be an inappropriate development in the Green Belt and would erode the character of openness that is a feature of the Green Belt. The development, in this regard, would conflict with Policies SP4, SP7, HQ1 and EMP4 of the Local Plan. Amongst other matters, these seek to ensure that proposals avoid inappropriate development; recognise the intrinsic character and beauty of the countryside; enhance or reinforce the local distinctiveness of the area; and have no adverse impact on the location.

Other considerations

18. It has been suggested that the proposed development would result in the reuse of previously developed land. On my site visit, I noted that the site features some areas of hard surfacing, albeit some was overgrown. In addition, the appeal documentation suggests that the appeal site has previously been used for storage.
19. However, the length of time for which this has taken place has not been satisfactorily demonstrated. In addition, the height and permanence of any stored materials or equipment has also not been demonstrated.
20. Therefore, even if I were to agree that the appeal site represented the reuse of previously developed land, it has not been demonstrated that the previous use of the land had the same effects as the appeal proposal would have. In consequence, I can only give the re-use of the land a limited amount of weight.
21. It has been suggested that a fence could be erected at the site under permitted development rights and therefore, planning permission would not be required. I have no reason to believe that a fence could not be erected at the site under permitted development rights.
22. However, the proposed development would involve the storage of materials, including potentially vehicles and equipment, that could be of a greater height than such a fence. Therefore, the proposed development would have a greater effect upon the openness of the Green Belt than a fence erected under permitted development rights. In result, this matter can only be attributed a moderate amount of weight.
23. I understand that the appeal site has traditionally been separated from an adjoining open area. However, the change in form of the appeal site and the usage of the land would have a greater effect upon the Green Belt. Therefore, this matter also carries a limited amount of weight.

24. The proposed development would result in an increase in the overall level of economic activity due to increased business capacity. However, the scale of development is such that the increase in employment opportunities may not be necessarily large. In addition, it has not been adequately justified that such employment is contingent upon development on this site. Therefore, I give this matter a limited amount of weight.
25. I understand that the appellant's business includes the recycling and reuse of building materials. The processing of this can be facilitated by the proposed development. However, the evidence before me is not indicative of the scale of such activities. In result, I am unable to establish the scale of any such environmental benefits. Therefore, I can only attribute this matter a limited amount of weight.

Other Matters

26. The development is unlikely to have an adverse effect upon the living conditions of the occupiers of neighbouring properties. Whilst this is a matter of note, it is only one of all the issues that must be considered. It therefore does not overcome, or outweigh, my findings in respect of the main issues.

Planning Balance and conclusion

27. The development plan and 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.
28. 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.
29. The other considerations I have identified individually and collectively carry a limited to moderate amount of 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.
30. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the 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