



Appeal Decision

Site visit made on 29 March 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/C2741/W/22/3311678

Land To The North East Of Roundabout, Wigginton Road, Wigginton, York YO32 2RH

- 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 Lorna Marchi of Jorvick Removals and Self Storage against the decision of City of York Council.
 - The application Ref 22/00939/FUL, dated 4 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is use of a portion of car park for the siting of self storage containers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the planning application form is lengthy and sets out the planning history and chronology of discussions between the appellant and the Council. The description used on the appellant's appeal form is concise and accurately describes the development. Accordingly, I have used this description for the purposes of the appeal.
3. This appeal relates to a development that has already been undertaken and is operational. The development I observed at my visit appeared to accord with the details shown on the submitted plans. Accordingly, I have used these as the basis for my assessment.
4. The Council's reasons for refusal refer to the City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan (Approved April 2005) (the DCLP) and the City of York Local Plan – Publication Draft February 2018 (Regulation 19 Consultation) (the LPPD) which is currently undergoing examination. However, these policies are not adopted, and I am not aware of the extent of any unresolved objections. Having regard to the guidance in Paragraph 48 of the National Planning Policy Framework (the Framework), I have given these policies limited weight.

Main Issues

5. The main issues are:
 - Whether the development comprises inappropriate development in the Green Belt having regard to the Framework and the development plan, including its effect on openness.

- The effect of the development on the character and appearance of the area.
- The effect of the development on highway safety.
- If the proposal would comprise inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The site lies in the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. The development comprises the siting of containers for the purpose of storage. It is understood they are available for the use of site tenants, neighbouring businesses and individuals. Other than the containers, the adjacent land comprises a gravel surface used as a car park for the neighbouring adventure park. There is, however, no dispute that a material change of use of the land has taken place, nor is there any suggestion that any other exceptions to inappropriate development in the Green Belt are met. Paragraph 150 of the Framework indicates that such development may not be inappropriate in the Green Belt provided that it preserves openness and does not conflict with the purposes of including land within it.
8. It is established that openness has both a spatial and a visual aspect. Spatially, the containers have an effect on the openness of the Green Belt by virtue of their footprint, height and overall massing. The site is used as a parking area, and it is understood this has been the case for several years. However, there is no substantive evidence that any buildings or structures were previously sited on the land, and so the introduction of the containers has reduced the openness of the Green Belt in spatial terms.
9. Visually, the mature hedgerow along the boundary with the highway does provide an element of screening to views from the west. Even with the hedgerow in limited leaf, the containers remain largely hidden along much of the highway frontage. However, the containers remain prominently visible through gaps in the hedgerow, particularly at the vehicular access point. Furthermore, they remain fully visible to users of the car park along their full length, where they sit in front of the hedgerow. It is therefore clear the development significantly reduces openness in visual terms.
10. For the reasons set out above, the development has resulted in a significant loss of both spatial and visual openness of the Green Belt. The development therefore fails to preserve the openness of the Green Belt and results in encroachment of development into the countryside, which fails to accord with one of the 5 purposes of including land in the Green Belt, as set out in the Framework. Although the appellant refers to examples of comparable developments being granted in the Green Belt in the vicinity of the site, I have

been provided with no specific examples and am unable to compare them to the appeal proposals.

11. Accordingly, I conclude that the development comprises inappropriate development in the Green Belt under the terms of the Framework. It would also conflict with Policy GB1 of the LPPD, which seeks to resist development in the Green Belt except in specific circumstances. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Character and appearance

12. The area directly to the south of the site comprises established development including several buildings of varying scale and form occupied by residential and commercial uses. Although being directly adjacent to the denser development to the south, and part of the site being used for car parking, the appeal site has a distinctly different and more open character that reinforces its countryside location.
13. The appellant refers to the containers being sited on existing hard ground and not being stacked, and that they form a tidy boundary to the car park. I also note that the site does appear to have operated in connection with the adjacent commercial development for a number of years. However, the previous absence of development and the introduction of prominent, manmade features close to the public highway and prominently visible from the publicly accessible car park have resulted in an intensification of development and an adverse effect on the character and appearance of this countryside location. Whilst I acknowledge reference in the appellant's statement to the containers being moved to the current location following the advice of the Council, this matter has not been substantiated and I can therefore attach only limited weight to it.
14. For the above reasons I conclude that the development, by virtue of its appearance, scale and siting, is harmful to the character and appearance of the area and would conflict with Paragraph 130 of the Framework which seeks, among other objectives, to ensure that development adds to the overall quality of the area and is sympathetic to local character, including the landscape setting. The development also conflicts with Policies D1 and D2 of the LPPD and Policy GP1 of the DCLP, which together seek, among other objectives, to avoid damage to the character and quality of the area, to conserve and enhance landscape quality, and to respect and enhance the local environment.

Highway safety

15. The Council considers that siting the containers adjacent to the northern access to the site restricts visibility for vehicles entering and exiting the site from Wigginton Road.
16. As part of my visit, I drove into and out of the site via this access. On entering the site from both directions, the containers are visible from the road, but they do not represent a significant impediment to sightlines. The containers are set behind the mature hedgerows and the access is wide enough to accommodate vehicles entering and exiting the site at the same time.
17. On exiting the site there is clear visibility of northbound traffic to the left. Whilst sightlines of southbound traffic to the right are less clear, this is due to the existing mature hedgerow and not the adjacent container, which is

sufficiently set back from the access to have no impact on visibility. Whilst I appreciate Wigginton Road has a 60mph speed limit at the point of access, I find no evidence that the siting of the containers has any adverse effect on visibility at the junction.

18. For the above reasons I conclude the development does not result in harm to highway safety and accords with Paragraph 111 of the Framework, which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It would also accord with Policy T1 of the LPPD, which requires developments to provide safe and appropriate access to the adopted highway.

Other considerations

19. The appellant advises that the site forms part of an existing long established business park, that there is no intensification of the use, and the site no longer has rural characteristics. However, even if the site has been used for commercial activity over a prolonged period, the specific effects of the appeal proposal result in a clear intensification of the use of the site and reduce its openness, thereby comprising inappropriate development in the Green Belt. The historic uses, therefore, are of very limited weight.
20. The development delivers certain public benefits in terms of providing a useful service for the use of neighbouring tenants, local businesses and individuals, to which I can attach some limited weight. I also note there have been limited objections to the development and it would not affect any conservation areas, listed buildings or areas of flood risk, although the absence of harm in relation to these matters would be a neutral factor that would not weigh in favour of the proposals.

Conclusion

21. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework and there would be harm to the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm in the Green Belt. Whilst I have identified no harm in respect of highway safety, this is a neutral factor that does not weigh in favour of the proposals. When taken together, the other considerations reviewed above do not clearly outweigh the harm that the proposal would cause. Consequently, the very special circumstances required to justify the development have not been demonstrated. As a result, the development conflicts with Policy GB1 of the LPPD and the Framework.
23. For the reasons given above, the appeal should be dismissed.

P Storey

INSPECTOR