



Appeal Decision

Site visit made on 4 July 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/P0240/W/22/3307291

Land to the rear of 90 Front Street, Slip End, Luton LU1 4BW

- 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 McDaid Screeding Services Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02325/FULL, dated 6 June 2022, was refused by notice dated 28 July 2022.
 - The development proposed is hardstanding, buildings and change of use of land.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At time of my site visit the proposed development, including the office building, security kiosk, aggregate store and hardstanding, had been constructed.
3. In the heading above, I have omitted wording that is not a description of development, including reference to the site address the retrospective nature of the proposal and the specified duration of the planning permission.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effects of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. The appeal site forms part of a commercial and agricultural yard comprising business units, barns, shipping containers, materials storage, agricultural vehicle storage, car parking and areas of hardstanding. The appeal site is within the Green Belt.

6. Policy SP4 of the Central Bedfordshire Local Plan 2015-35 (LP) sets out a general presumption against inappropriate development in the Green Belt, requiring development proposals be assessed in accordance with national planning policy and guidance. With the exception of the types of buildings listed at paragraphs 149 and 150, the Framework regards the construction of new buildings within the Green Belt as inappropriate.
7. At paragraph 149 g) the Framework allows the limited infilling or partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. The appeal site is immediately adjacent to buildings related to existing businesses within the yard. The Framework's definition of 'previously developed land' includes land within the curtilage of the developed land.
8. The site's planning history indicates that in 2016 the yard comprised a limited area around the buildings extending 69 metres back from the highway. However, the appeal site boundary extends approximately 143 metres back from the highway. The planning history therefore suggests the yard has encroached into an area of undeveloped agricultural land without the benefit of planning permission. On this basis, I do not consider the appeal site forms part of the curtilage of existing buildings within the yard. The proposal would not therefore constitute infilling or redevelopment of previously developed land.
9. Policy CASE10 of the Caddington and Slip End Neighbourhood Plan (NP) supports the development of commercial floorspace where it is not harmful to Green Belt openness. Paragraph 137 of the Framework describes the essential characteristics of Green Belt being its openness and permanence and states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
10. The proposal's buildings are temporary structures and the proposal seeks a temporary planning permission. The siting of the buildings contributes additional floorspace and built volume to the site. Notably, the temporary office building has a floorspace of 324 sqm and is therefore substantial in size. In addition, the areas for parking and turning of vehicles and materials storage have a visual impact when in use.
11. The overall size and scale of the development proposed, albeit temporary, would therefore have a greater impact on the openness of the Green Belt than the existing development, resulting in moderate harm to openness. The scheme is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Character and appearance

12. The appeal site is situated to the rear of buildings within the yard, with buildings sited on land which was formerly undeveloped. The appellant indicates that this southern portion of the site has been gradually extended over the past seven years for purposes related to the agricultural functions of the yard. To the south and west of the site are open fields. The effect of the scheme is therefore the encroachment of development into agricultural land and the countryside.
13. Whilst the site is located on formerly undeveloped land between the settlements of Slip End and Pepperstock, due to the scale and temporary

nature of the proposal, the development does not appear to erode open space between those villages. The appeal site is visible across open fields from Slip End and Pepperstock. However, the distance and presence of existing screening limits the overall visual prominence of the development within the landscape.

14. Other buildings within the yard include tall industrial buildings and barns with pitched roofs, comprised of corrugated metal and blockwork. The office and site kiosk are flat-roofed, single-storey buildings with painted plywood exterior, and the aggregate store has an open frontage and top. Whilst the buildings contribute little to local distinctiveness, they do appear modest in scale and mass relative to other buildings on the site and in keeping with the functional character of the yard.
15. The buildings are sited toward the rear of the yard, positioned behind a tall barn. A hedgerow runs along the frontage and on the eastern side boundary. In addition to the existing buildings within the yard, there are numerous storage containers and structures which further curtail views into the site. Whilst the buildings are of an industrial nature and occupy a part of the site where no development previously existed, the buildings are generally concealed from view from publicly accessible locations such as the public highway.
16. Therefore, through the encroachment of development into the open countryside, the development results in modest harm to the character and appearance of the area. The proposal would therefore conflict with LP Policies HQ1 and EE5 which require the size, scale and appearance of development to retain the character of the local landscape. In addition, the proposal would not accord with paragraphs 130 and 174 of the Framework which require development to be sympathetic to the surrounding built environment and recognise the intrinsic character of the countryside.

Highway safety

17. The appeal site and surrounding yard are served by a 20-metre-wide bell-mouth junction. An automated barrier is set back 8.5m from the edge of the carriageway. Front Street is a long, straight road with good visibility in both directions from the site's junction. The speed limit at Front Street is 40mph and reduces to 30mph a short distance from the junction at the entrance to Slip End village. On the approach to Slip End, and before the site's junction, there are traffic calming measures on the carriageway including coloured road surfacing and painted road markings. Therefore, vehicles are not likely to be travelling at high speeds in the vicinity of the site's junction.
18. On the opposite side of Front Street is a footway which is separated from the carriageway by a grass verge, thereby reducing the likelihood of conflict between vehicles and pedestrians. Accident data identifies no incidents within the immediate vicinity of the site.
19. The Transport Statement (TS) indicates that the proposal results in an increase of 14 two-way movements during peak periods between 8am and 9am and 5pm and 6pm. Use of the junction has been intensified by the development with a net increase of 41% of daily trips. Therefore, vehicle activity associated with the development is proportionately greater than the existing volume of trips to/from the yard. However, the TS demonstrated that the overall volume of traffic using the site access would be fairly low.

20. The junction does not provide a 15m radii which is a requirement for commercial accesses within the Central Bedfordshire Highway Construction Standards & Specifications Guidance, or corner tapers, as required by the Design Manual for Roads & Bridges. In addition, the siting of the automated barrier does not provide sufficient depth for a HGV to wait clear of the public highway, thereby obstructing traffic flows along Front Street whilst waiting for the barrier to be operated. The development increases HGV traffic with an additional four HGV arrivals and departures on average per day.
21. The Highways Authority has suggested conditions to ensure the junction accords with its guidance. However, since these would involve extensive works to the junction and relocation of the automated barrier, I do not consider the proposed conditions to be reasonable in scale within the context of the temporary nature of the development.
22. Paragraph 111 of the Framework states 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. The site access does not meet standards required for HGVs and the development increases the volume of HGV traffic, and therefore would have an unacceptable impact on highway safety. For these reasons, the proposal is detrimental to highway safety as prohibited by LP Policy T2. Due to the volume of traffic, including HGVs, I attach moderate weight to this harm.

Other considerations

23. The development has six office-based staff and 15 operatives on site. Through generating employment, the scheme provides a modest benefit to the local economy.
24. The appeal scheme enables its occupiers to operate the installation of a fibre broadband infrastructure network to 93,000 households and businesses in Luton and Dunstable, the delivery programme of which had around 12 months of works remaining from March 2023. Paragraph 114 of the Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
25. LP Policy EMP3 supports new employment development on non-allocated sites within or adjacent to Settlement Envelopes on land not in the Green Belt. The appeal site is in a Green Belt location outside any Settlement Envelope. The appellant asserts that the appeal site was the only site available that offered all of the facilities required. However, no substantive evidence has been provided to demonstrate that there are no existing or allocated sites or buildings available on which to site the proposal.
26. Therefore, there is insufficient justification for the siting of the development in this location which is at odds with the development plan's locational strategy for employment development. For this reason, I ascribe limited weight to the social and economic benefits arising from the business's operations in respect of broadband infrastructure provision.
27. The appellant indicates the remediation of the site would provide enhanced biodiversity value through planting and the site's return to agricultural use and suggests a remediation strategy could be secured through a planning condition. However, no strategy to secure the site's remediation and biodiversity

enhancement has been provided. Since I have no details of such a strategy before me, I cannot be certain that remediation would deliver biodiversity enhancement. Consequently, I can attach no weight to this matter.

28. If the appeal is unsuccessful, the appellant suggests the business would be unable to fulfil its contractual obligations and would suffer reputational damage and harm its profitability. However, this is a private concern to which I can ascribe no weight. In addition, dismissal of the appeal could result in a loss of employment, thereby negating the benefit identified above.

Whether there would be Very Special Circumstances

29. As set out above, the development constitutes inappropriate development in the Green Belt and would harm openness. As the proposal seeks a temporary permission, this harm would exist for a temporary period only. However, paragraphs 147 and 148 of the Framework require that substantial weight be given to any harm to the Green Belt and that inappropriate development should not be approved except in very special circumstances.
30. Paragraph 148 of the Framework indicates that very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As set out above, the proposal provides modest benefits to the local economy through creating jobs and limited social and economic benefits through the activities of the business in respect of infrastructure provision. Such other considerations do not therefore clearly outweigh the impermanent but substantial harm to Green Belt openness, moderate harm to highway safety, and modest harm to character and appearance.
31. Consequently, the harm to the Green Belt is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with Policy SP4 which requires development proposals be assessed in accordance with national planning policy and guidance, and Policy CASE10 of the Caddington and Slip End Neighbourhood Plan which does not support the development floorspace that is harmful to Green Belt openness.

Conclusion

32. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR