



Appeal Decision

Site visit made on 8 August 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/P0240/W/23/3314829

Grange Farm, Park Road, Toddington LU5 6HH

- 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 Grange Farm against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00549/FULL, dated 2 February 2021, was refused by notice dated 13 October 2022.
 - The development proposed is 113 storage units and offices with associated parking spaces, instead of part industrial composting area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form describes the proposed development as comprising 113 storage units. However, the submitted plans indicate there would be 108 units. I have determined the appeal on the basis of the submitted plans.

Main Issues

3. 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 biodiversity;
 - The effect of the proposal on flood risk;
 - 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

4. The site is an area of hardstanding associated with a composting facility for green waste, situated within the Green Belt. 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.

5. 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. There is disagreement between the parties as to whether the appeal site meets the Framework's definition of previously developed land.
6. The siting of the proposed storage containers and office units would contribute significant additional floorspace and built volume to the site. Boundary treatments, including the metal fence and gates, and vehicle parking would have spatial and visual impacts on openness. In addition, the increased intensity of the use of the site from users transporting goods would have a visual impact on openness. Therefore, even if I were to consider the site to be previously developed land, the overall scale of the development proposed would have a significantly greater impact on the openness of the Green Belt than the existing development.
7. Consequently, the proposal would not satisfy paragraph 149 g) of the Framework and would not fall within any of the development types described as not inappropriate by the Framework. On this basis, the proposed development would be inappropriate development which is, by definition, harmful to the Green Belt.

Character and appearance

8. The appeal site is an open area of hardstanding within a wider yard. A large, pitched-roofed barn abuts the site's western boundary. To the south of the appeal site are barns, silos and areas used for the storage of materials and agricultural machinery. The site and wider complex have the general appearance of an agricultural yard.
9. The site is set back from the public highway by a long private access road. The site and adjoining complex are surrounded by open fields allowing wide, distant views across the rural landscape, and is physically separate from any settlement.
10. The site is outside of any settlement envelope and is therefore in the countryside where development opportunities are generally restricted by the development plan. There is disagreement between the parties as to whether the proposed development would be of a type supported in the countryside, and thus whether the proposal would be compatible with the intrinsic character of the countryside, and the extent to which the site would be accessible. However, even if I were to consider the proposed development compatible with the development plan's policies for countryside development, as I have established above, the proposal would be inappropriate development within the context of the site's Green Belt location.
11. The appeal site is well screened by trees along its northern and eastern boundaries. Buildings to the west and south, along with tree belts and embankments around the wider yard would also serve to obscure views of the site.

12. A public right of way (PROW) runs close to the eastern boundary of the site. Users of the PROW would experience glimpsed views through the tree belt at the site's boundary. The development would appear visually prominent from the site access and from the section of the PROW to the south of the site where vegetation is less dense. The proposed development would have a more industrial appearance than the existing site, and the greater intensity of use would harm the area's tranquillity. The proposed development would therefore harm the character of the area, to the particular detriment of users of the PROW.
13. The proposal indicates that further tree planting and landscape improvement would be provided at the north of the site. Whilst the area is demarcated on a plan, full details of the proposed planting and landscaping scheme, or assessment of the visual impacts of the proposal on the landscape have not been provided. It is therefore unclear how the proposed scheme would mitigate the proposed development's effects on users of the PROW.
14. The site and adjacent areas appear generally free of external lighting. As indicated on the schematic plan, extensive areas of the appeal site would be illuminated by artificial lighting. However, no details of the specifications of the lighting or time of use have been provided. Light pollution from the site would have an urbanising effect on the landscape and increase the site's visual prominence. In the absence of details of the proposed lighting, I must conclude that the use of artificial lighting would be detrimental to the nocturnal character of the site.
15. For these reasons, the proposal would harm the character and appearance of the area. The proposal would not comply with LP Policy SP7, which seeks to conserve the intrinsic character and beauty of the countryside, and LP Policy EE5, which requires all development to respect, retain and enhance the character and distinctiveness of the local landscape. In addition, the proposal would not accord with LP Policy HQ1 which requires proposals to be complementary to the existing natural environment and landscape character and setting, including through providing landscaping to integrate the proposal into the existing natural environment, and ensure lighting associated with the development does not have a detrimental impact on the surrounding area. I attach significant weight to this harm.

Biodiversity

16. As discussed above, the proposal would include external lighting across the site. Within the site's rural setting, which includes established tree belts, agricultural buildings and fields, artificial light carries a risk of disturbance to nocturnal species.
17. No assessment of the proposal's effects on biodiversity have been provided. The appellant contends that ecological information was not requested by the Council. However, the supporting text to LP Policy EE2 directs the appellant to the Council's Biodiversity Checklist which sets out information required to be provided with an application.
18. Details of the proposed external lighting could be secured through a planning condition and the appellant intends to implement an enhancement scheme of tree planting and landscaping. However, in the absence of ecological

information, I cannot be certain that such measures would adequately mitigate any adverse effects and achieve an overall net gain in biodiversity.

19. Adverse effects on biodiversity cannot therefore be ruled out. The proposal would therefore conflict with Policy EE2 which requires proposals to provide a net gain in biodiversity through the conservation, restoration, enhancement and creation of ecological networks of habitats, species and designated sites. I ascribe significant weight to this conflict.

Flood risk

20. LP Policy CC5 requires all development that results in increase in hardstanding area or impacts on surface water flow paths to use sustainable drainage to reduce surface runoff. Since the appeal site is covered by existing hardstanding, the proposed development is not expected to significantly increase the hardstanding area. However, the addition of built volume through the siting of the storage units and office on the site could impact surface water flow paths.
21. Whilst the appellant asserts that the Council reached its decision without advice from its SUDS officer, the supporting text to Policy CC5 sets out a clear expectation that all development proposals provide a drainage strategy. No drainage strategy has been submitted, and therefore the requirements of Policy CC5 have not been satisfied.
22. The appeal site is located in Flood Zone 1 and is therefore at lowest risk of flooding from rivers and seas. Matters of flood risk relate to the management of surface water. The proposal would not involve significant additional hardstanding and the proposed development would form a 'less vulnerable' use within the context of the Framework's classification. A planning condition could be imposed to secure a drainage strategy prior to use of the development, thereby avoiding adverse effects in respect of surface water flood risk and ensuring the requirements of Policy CC5 are met.

Other considerations

23. The proposed development would create jobs during construction and through the long-term operation of the business which would provide a service to the local area. Due to the small-scale operations of the business and likely number of jobs created, the social and economic benefits associated with the proposed development would be modest.
24. The appellant asserts that the proposal would improve the visual appearance of the appeal site and provide environmental benefits associated with landscaping and biodiversity enhancement. However, as set out above, I have found the scheme would harm the character and appearance of the area and that biodiversity enhancement is not adequately demonstrated by the proposal, and do not consider the proposal would deliver benefits in respect of these matters.

Whether there would be Very Special Circumstances

25. As set out above, the development constitutes inappropriate development in the Green Belt and would harm openness. 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.

26. 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. The benefits associated with the proposal, including the creation of jobs and provision of a service to the local area, would be modest in scale. Such other considerations do not therefore clearly outweigh the substantial harm to Green Belt openness and significant harm to character and appearance and biodiversity.
27. Consequently, the harm to the Green Belt and other harms, are not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the proposal do not exist. The proposal therefore conflicts with Policy SP4 which restricts inappropriate development in the Green Belt in accordance with national policy and guidance.

Conclusion

28. 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