



Appeal Decision

Site visit made on 10 October 2023

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/P0240/W/23/3317414

**Land Rear of Eden Brae Business Park, Dunstable Road, Caddington
LU1 4FF**

- 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 Gleneden Plant Sales Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/03394/FULL, dated 20 August 2022, was refused by notice dated 20 December 2022.
 - The development is temporary airport parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the description of development given on the application form was temporary airport parking, the appellant has confirmed that permission is sought for the permanent use of the land for airport parking.
3. The development is currently in operation having been granted temporary permission in 2016 and 2019. The most recent temporary permission has now expired.

Main Issues

4. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - ii) the effect on the character and appearance of the area: and
 - iii) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate development?

5. Policy SP4 of the Central Bedfordshire Local Plan (the 'Local Plan') sets out a general presumption against inappropriate development in the Green Belt, and advises that proposals in the Green Belt will be assessed against national guidance. The Framework states, in paragraph 150, that a change of use of land is not inappropriate in the Green Belt if it preserves openness.

6. Openness can have visual and spatial aspects. Visually the appeal site is well contained. Along the northern boundary there is a row of young hedging plants that separate the appeal site from a large workshop building which is itself behind the Eden Brae Business Park. To the west is another car park which is mostly screened from Millfield Lane by mature vegetation. There is also mature vegetation on the southern and eastern boundaries. As such, views of the site, and the cars parked there, are limited in the wider context.
7. However, spatially, the development facilitates the parking of 400 cars. As the nature of the parking is long-stay, the cars are packed in very tightly meaning the vast majority of the site is covered by vehicles and there is very little free space such as for manoeuvring. Although the cars do move on and off the site regularly, it is likely that the site is always heavily parked. This degree of occupation means the site is not open.
8. The site was historically used as a garden centre and, following a fire, planning permission was granted in 2011 for a replacement garden centre and offices. In subsequently granting temporary consents for airport parking, the Council took the view that car parking, which would occupy the part of the site identified as being a 'plant area' on the approved replacement garden centre plans, would not be likely to have a greater effect on openness than hardstanding and storage of plants. However, the garden centre part of this permission has not been implemented and, now that a workshop has been erected on the part of the site where the garden centre building would have been positioned, it seems unlikely it ever could.
9. In any case it is primarily necessary to assess whether the current use represents a preservation of openness compared to the previous lawful use of the land which was the original garden centre. As I have no details of that, I am unable to consider that the development preserves openness and so must conclude that it fails to accord with paragraph 150 of the Framework. I need not consider, therefore, whether it conflicts with the purposes of including land within the Green Belt. Consequently the development is inappropriate development and conflicts with policy SP4. This harm to the Green Belt carries significant weight.
10. Paragraph 149 of the Framework concerns the construction of new buildings. As the development involves no such work, this paragraph is not relevant. Similarly the fact that the site is previously developed land is of little bearing.

Character and appearance

11. The site is part of a complex of mainly commercial buildings and uses of land that occupy this location at the junction of Millfield Lane and Dunstable Road. They are largely surrounded by agricultural fields. The land west of Millfield Lane and north of Dunstable Road is within the Chilterns Area of Outstanding Natural Beauty (AONB).
12. As set out above, the appeal site is largely imperceptible from the fields beyond its southern and eastern boundaries, but is visible from the developed areas immediately to the north and west within the larger complex. As a result, the site has a closer relationship to these commercial developments than to the countryside. It is noted that the car park to the west does not benefit from planning permission, but notwithstanding its use, that land is also seen as congruent with the wider commercial developments.

13. In that context the development does not contrast with its setting so does not unacceptably harm the character and appearance of the area. It has no direct visual relationship with the AONB. Therefore it accords with policies HQ1 and EE5 of the Local Plan which both require developments to have regard to their context.

Other considerations

14. At the time of my visit the site was very heavily parked, and figures provided show over 3000 cars arriving at the site every month for six months of the year and significant numbers in the other six months. This reflects the high level of demand currently for airport parking to serve Luton airport. There is evidence to suggest the airport will expand over the coming years which would undoubtedly increase the demand for long-stay parking. However there is no evidence to suggest that the quantum of parking provided here could not be provided elsewhere in a location less harmful to the Green Belt. My view is consistent with the previous appeal¹ for airport parking here. The benefit of the development is therefore of only modest weight. The appellant's suggestion that the development employs up to 30 people is not substantiated, so I give that little weight.

Other Matters

15. The appellant requests that if it is not possible to grant a permanent planning permission, consideration is given to another temporary consent. However, as set out in the national Planning Practise Guidance, it will rarely be justifiable to grant a second temporary permission. Were a temporary permission granted again, this would be a third. None of the reasons that could be used to justify another temporary consent, such as to assess the impact of a development or to reflect changing circumstances, are applicable here.

Conclusion

16. The development causes harm to the Green Belt, to which significant weight is given. The benefits of the development are set out above and carry limited weight, and the lack of harm to the character and appearance of the area is a neutral factor. These other considerations do not clearly outweigh the harm to the Green Belt and consequently, the very special circumstances necessary to justify the development do not exist.
17. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan.
18. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

A Owen

INSPECTOR

¹ APP/P0240/W/20/3246880