



Appeal Decision

Site visit made on 3 June 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2024

Appeal Ref: APP/P1615/W/24/3337556

Land Adjacent Car Park, Station Road, Lydney, Gloucestershire, GL15 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Now Storage Ltd against the decision of Forest of Dean District Council.
 - The application Ref is P0778/23/FUL.
 - The development is described as "temporary use for open storage (B8)."
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Decision

1. The appeal is allowed and planning permission is granted for the temporary use for open storage (B8) at Land Adjacent Car Park, Station Road, Lydney, Gloucestershire, GL15 5EW in accordance with the terms of the application, Ref P0778/23/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A Unilateral Undertaking (UU) was submitted with the appeal. This seeks to secure monitoring of the capacity of the adjoining railway station car park and put in place measures should the car park reach capacity. I have had regard to the UU in my decision.
3. During my site visit I noted that containers were already on site, alongside gated entry, and security notices. As such, the development is retrospective.

Main Issue

4. The main issue is the effect of the development on the deliverability of an allocated site.

Reasons

5. The appeal site is a parcel of land located to the north of Lydney railway station and associated car park. To the east is an area currently used for storage, the north a railway line and to the west Station Road. An existing access is located in to the site, which is bound by palisade fencing and boundary trees. The development seeks the change of use of the land for the siting of storage containers, which will be offered to the general public as storage space for rent.
6. The Council highlight that the appeal site forms part of a wider allocated site within the Forest of Dean District Council: Allocations Plan (2018) (AP). Policy AP51 of the AP relates to the allocated site, an area of approximately 2.2 hectares of land allocated for the development of the stations, its associated facilities and for related mixed uses. The Council's concerns relate to the delivery of the allocation should the development be successful.

7. The appeal site has previously been used for overflow parking for the railway station and for storage. The appellant leases the site from Network Rail. They have confirmed that should the site be needed for the development of the railway station a clause is included within the lease that allows for the land to be returned to them.
8. I have not been provided with any evidence that planning applications have been submitted for the allocation, or that any discussions have been undertaken with the Council regarding the redevelopment of the railway station. Furthermore, Network Rail have highlighted that the vacant site has suffered from anti-social behaviour problems which would be managed better through utilising the site as open storage.
9. AP Policy AP51 sets out that, in addition to railway improvements, business and commercial development, where they do not prevent the establishment of railway parking and access improvements would be appropriate. Whilst it states that a masterplan should be agreed, the policy goes on to state that all development must be compatible with improvements to operational station. Both Network Rail and the Council's Highways Officer's are content that the development would not undermine highway safety. Furthermore, during my site visit I noted that, whilst cars came and went from the station car park, there were many spaces available for parking.
10. In light of the above, whilst the development would not fully comply with AP51, the temporary use of the site for storage would safeguard the site from anti-social behaviour and the break clause in the lease offers a safeguard for the redevelopment of the station. The development would also result in short term economic benefits to the business and Network Rail.
11. The development would not undermine the delivery of an allocated site for railway improvement and as such would comply with AP Policy AP51 which seeks to ensure that the railway station can be redeveloped and that any other development is compatible with improvement to the operational station.

Other Matters

12. Whilst the site had historically been used for overflow parking, this use has ceased and intervening uses such as storage has taken place. Whilst the development would temporarily remove the opportunity to utilise the land as an over flow car park for the railway station. The Highways Officer advises that it is regretful to lose the parking. As the site has been used for storage for some time with no apparent harm to highway safety or parking problems, and includes an appropriate access for the development, there would be no harm to highway safety.
13. I have had regard to the concerns raised regarding future increase in train passengers and people using the car park. However, several parking spaces were available when I visited the site. Submitted evidence would suggest that, whilst the car park is heavily used, spaces were available on many occasions. Furthermore, should the redevelopment of the railway station and parking/access facilities progress, the break clause in the lease would allow for Network Rail to take control of the land again. I am therefore satisfied that the proposal would not have a harmful impact on highway safety.

14. Concerns have been raised regarding surface water drainage at the site. No information has been submitted with the appeal, however as the site is fairly open, level, and laid to hardcore I am satisfied that a condition securing drainage details to be submitted and implemented would ensure no adverse impacts.

Conditions and Planning Obligation

15. A condition is required listing the access plans which are being approved, in the interests of certainty. A temporary permission condition is required in order to ensure that the use, and any associated infrastructure, is removed at the end of 5 years. Condition restricting the use of the site, requiring the submission of a layout plan, site management plan, CCTV/external lighting details and controlling the colour of containers are required in order to safeguard the character and appearance of the area and the living conditions of nearby residents.
16. The site is fairly flat and no engineering operations are proposed as part of the change of use. As such, it is not necessary that a condition requiring site levels be attached. The Council have requested a condition relating to electric vehicle charging. The appellant has noted that there is no electricity at the site and that lighting and CCTV would utilise solar panels, which are not suitable for the charging of electric vehicles. I therefore consider that in this case it would be unreasonable to require an electricity connection and associated charging point for a temporary permission. I have not therefore attached these conditions.
17. A UU has been submitted by the appellant which requires the surveying of the station car park and offers potential solutions for car parking should the station car park reach capacity for a number of days. However, based on the evidence before me, comments from the Council, the Highways Officer and what I viewed during my site visit, there would not appear to be a need for such surveys to be undertaken as sufficient parking is provided for the users of the station. The UU is therefore not necessary.

Conclusion

18. For the reasons given above the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No 04100-00-A, Block Plan Drawing No 04100-00-A, and Proposed details Drawing No 02381-01-A.
2. The development hereby permitted shall be solely restricted to the B8 self-storage use by Now Storage Ltd and shall consist of the provision of container units placed on the land, within which items are stored and the open air storage of larger items such as (caravans, boats and vehicles), to the south of the site access road, shown on Drawing 04100-00 A sheet 02, only and no other B8 use or commercial use shall be permitted at this site.
3. No later than 5 years after the date of this decision, or any other earlier date, the development hereby permitted shall cease and all container units and stored items and any materials generated from the development shall be removed from the land and the land shall be returned to an open car parking area only.
4. Notwithstanding the approved details within 1 month of the date of this decision a detailed layout plan showing the proposed layout of the site shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented at the site no later than 2 months after the date that the Local Planning Authority confirmed acceptance of the submitted details and shall be maintained solely in accordance with the approved details for the duration of the development.
5. Notwithstanding the approved details within 1 month of the date of this decision a site management plan shall be submitted to and be approved in writing by the Local Planning Authority. The site management plan shall include but not be limited to the following:
 - Operating hours (when the site is open to the public).
 - Measures to mitigate litter.
 - Measure to mitigate noise arising from the site.
 - Contact details in the case of emergency.

Thereafter, following the written approval of the site management plan by the Local Planning Authority, the approved details shall be fully implemented immediately and be maintained for the duration of the development.
6. Notwithstanding the approved details within 1 months of the date of this decision surface water drainage details shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter, within 2 months of the date of the Local Planning Authority written approved the approved surface water drainage details shall be fully implemented at the site and shall be maintained for the duration of the development.
7. Notwithstanding the approved details within 1 month of the date of this decision full details of all external lighting, CCTV cameras and security provisions shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter within 2 months of the written approval from

the Local Planning Authority the details shall be fully installed and be maintained for the duration of the development.

8. All container units located/stored on the land shall be finished externally in an Olive Green colour and shall be maintained in this colour for the duration of the development.