



Appeal Decision

Site visit made on 4 September 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal Ref: APP/C2741/W/24/3342868

Lambshill Self Storage Facility, Towthorpe Moor Lane, Strensall, York YO32 9SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Simon Dean [BHE Agricultural Contractors] against the decision of City of York Council.
 - The application Ref is 23/02117/FUL.
 - The development proposed is the retention of change of use of land from agricultural use to the siting of 104 external storage containers (Use Class B8).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's reasons for refusal refer to the City of York Local Plan – Publication Draft (LPPD) 2018. Whilst this emerging plan appears to be at an advanced stage of preparation, I cannot yet give it full weight. Nevertheless, it is a material consideration that I have had regard to in reaching my decision.
3. Permission is sought for 104 containers¹. Whilst largely laid out in accordance with the proposed plans, there appeared to be 114 containers in situ at the time of my visit. Nevertheless, I have assessed the development as proposed.
4. The Council confirms that refusal reason 3, regarding surface water drainage was included on its decision notice in error². It does not wish to defend the appeal on this basis. There is no evidence to indicate I should take a different view.
5. The main issues of this appeal are therefore;
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether any harm by reason of inappropriateness and any other harm would be outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.

¹ Further to the description of development on the planning application form and the submitted plans.

² As explained at paragraph 4.1 of the Council's statement.

Reasons

Whether Inappropriate Development

6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open³. Policy SS2 of the LPPD advises that the primary purpose of the York Green Belt is to safeguard the setting and the special character of York. The supporting text to this policy clarifies that the Green Belt will perform the role of checking the sprawl, safeguarding the countryside from encroachment, and encouraging the recycling of derelict and other urban land. These purposes exist whether a site does not have intervisibility with, or is some distance from, the city centre.
7. Policy GB1 of the LPPD sets out the circumstances in which planning permission will be granted for development in the Green Belt. This includes where the scale, location and design of development would not detract from the openness of the Green Belt, and would not conflict with the purposes of including land within it.
8. Paragraph 152 of the Framework states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are inappropriate within the Green Belt unless they fall within the given list of exceptions at paragraph 154.
9. The parties dispute whether containers are buildings and therefore whether the development can be considered under paragraph 154 of the Framework. The storage containers are of a reasonable size, held down by their own weight and not attached to the ground. They are not connected to services and are in theory, capable of being moved without requiring demolition. However, there is no evidence that the storage containers are, or would be, moved. Indeed, the submitted plans seek fixed positions for the containers. Moreover, they are used to house customers' goods such that it would not appear plausible that they would be moved. In this instance due to the size, permanence, weight and purpose of the containers, they should be considered as buildings.
10. Despite being sited on land which is suggested to form part of Lambs Hill Farm, there is no indication that the containers would be used for agricultural purposes. The proposal would not amount to an exception under paragraph 154a) of the Framework. No other evidence has been presented to indicate that the proposal would meet any of the other exceptions for new buildings within the Green Belt.
11. Instead, the appellant suggests that the exception under paragraph 155e) of the Framework which allows for material changes of use should apply. This form of development is not considered as inappropriate provided it preserves its openness and does not conflict with the purposes of including land within it. Openness has spatial and visual aspects and is not confined to permanent physical works, but also relates to the purpose or use of land. It is a matter of planning judgement.
12. No evidence has been presented to indicate that the parcel of land on which the storage containers are sited was previously occupied by buildings. In the absence of any evidence to the contrary, it would appear that the appeal site was essentially open. There has therefore been an erosion of 3-dimensional space. The use of the containers as a storage facility also involves comings and

³ Paragraph 142 of the Framework.

goings by visiting members of the public. In this regard, it is a more intensive form of development that would have the effect of spreading an industrial-type use into the countryside. Thus, it amounts to encroachment, spatially eroding the openness of the Green Belt.

13. The appeal site is set back from Towthorpe Moor Lane, beyond a large agricultural shed and a roadside boundary hedge. There are also bands of trees to the west and north, which restrict views into the site. However, the containers rise above the boundary fence such that they are partially visible, albeit at a distance from the access to the appeal site, as well as from the east of Towthorpe Moor Lane. Views will be more apparent when the roadside hedgerows and field trees are not in leaf. The development has a modest effect on the visual openness of the Green Belt.
14. The containers affect the spatial and visual openness of the Green Belt. Moreover, the scale of the development is such that a substantial encroachment has occurred, conflicting with the purposes of including the land within it. The development would not meet the exception set out under paragraph 155e) of the Framework.

Conclusion – Whether Inappropriate Development

15. Consequently, the development would fail to meet any of the exceptions set out by paragraphs 154 and 155 of the Framework. Neither would it meet any of the exceptions set out within Policy GB1 of the emerging LPPD. The containers are therefore inappropriate development.

Character and Appearance

16. The appeal site is located in the countryside where built development is scattered amongst agricultural and Ministry of Defence (MOD) land. The flat topography offers far reaching views of wide-open land, hedgerows and trees such that a pleasant, verdant rural character is evident.
17. The appeal site comprises an area of hardstanding to the rear of an agricultural building on which a significant number of containers have been sited. A building to the side has permission to house storage containers for use as a smaller scale self-storage facility⁴.
18. Storage containers by their form and materiality have a utilitarian appearance, typical of that found within industrial areas. A close boarded fence has been erected that the Council considers is domestic in appearance. A means of enclosure up to 2m in height could be erected under permitted development rights. Nonetheless, it appears that the fence is only required as a result of the siting of the containers, for screening and security purposes. A post and wire or rail fence would be more typical within a farmyard environment than a close boarded fence like that erected. Regardless, the containers project above the fence such that they are not wholly screened. Taken as a whole, the development has an urbanising effect.
19. The Council suggests that the containers are visible from the north. However, I have not been directed to any public vantage points where the appeal site would be visible from this direction. The public rights of way map extract provided by the appellant indicates there are no footpaths to the north, and

⁴ Planning application reference 17/02175/FUL for the change of use of existing farm building to a secure, self-storage facility for 22 self-storage containers.

this appeared to be the case on the ground⁵. Views of the containers from the Towthorpe Moor Lane to the west would be possible through the trees were they not concealed behind stacked silage bails. It is not clear whether these are a temporary, seasonal feature.

20. Contrary to the appellant's view that the containers are not visible from any public vantage point, the form and nature of the containers is apparent above the fence in views including those from the access point and Towthorpe Moor Lane to the east. I acknowledge however, that these would be relatively localised, medium distance views, through gaps in existing landscaping. When the hedgerows and trees are not in leaf, views would be more readily apparent including an appreciation of the encroachment of built form northwards into the countryside.
21. Rather than screening the proposed development, the fence draws attention to and emphasises the uncharacteristic nature of the proposed development. Whilst the fence would be supplemented by a proposed native hedgerow, this would take a considerable time to establish to a sufficient height and thickness to offer any meaningful screening. Even then, landscaping should not be used to screen poor development that does not relate positively to its context. Given the form of development and its partial visibility, it is clear that the form of the development detracts from, rather than adds to, the quality of the area as described above. Modest visual harm therefore occurs.
22. For the above reasons, the development causes harm to the character and appearance of the area. It therefore conflicts with Policies D1 and D2 of the LPPD which together seek amongst other things, to conserve and enhance landscape quality and character. Conflict is also found with paragraph 135 of the Framework, which seeks to ensure that development responds to and is sympathetic to local character.

Other Considerations

23. It is suggested that diversifying the farm into a self-storage facility would provide income to assist with the removal of the basic payment scheme (BPS). Although the appellant has provided comparative figures for the BPS and the self-storage income, the figures in isolation do not explain why such an income is necessary to the farm as a viable unit. Neither do they break down the level of income that arises from the containers the subject of this appeal and those that have permission as part of the self-storage facility within the adjacent barn. The appellant explains that the BPS has been reduced since 2020 and will be phased out altogether by 2027. This implies that some form of financial support is still available until 2027. It is not known what, if any, BPS funding the enterprise is continuing to receive.
24. Whether the proposal amounts to diversification or is a new use in its own right would depend on its relationship with the original farming enterprise. Information regarding the nature of the farm including stock numbers and type, method of farming and staff has not been presented. It is not clear how the appellant's agricultural contracting business⁶ and existing self-storage facility within the barn, relate to the farming enterprise. A full statement explaining the nature of the farming enterprise, associated businesses and full financial accounts have not been provided.

⁵ As set out within figure 5 of the appellant's statement of case.

⁶ BHE Agricultural Contractors Ltd as stated at paragraph 2.1 of the appellant's statement of case.

25. In this regard, the extent to which income is required to subsidise costs associated with the environmental stewardship of the commons and strays, or payment of a farm worker is not clear. I therefore find the evidence relating to farm diversification highly deficient.
26. The appellant asserts that the self-storage facility is a sustainable form of development as it re-uses containers, and reduces the need for local people and businesses to travel to meet their storage needs. Whilst it is suggested that customers travel from the nearby settlements of Strensall, Wigginton and Haxby, no compelling evidence has been presented to demonstrate this, or that the containers are in high demand. Whilst the re-use of containers may be commended, there is no evidence that they have to be re-used for storage purposes in this particular location.
27. Whether or not customers like to store their goods on a farm due to perceived security benefits, does not justify permitting development that I have found is visually and spatially harmful to the Green Belt. Cumulatively these matters attract no more than limited weight.
28. It would be highly impractical and inefficient to fill 104+ containers with agricultural materials given their constrained size in comparison to the size of equipment, feed and materials. It would be perverse and of no benefit to the farming enterprise to do this, especially as it is the appellant's case that the containers are needed for an alternative use to supplement farm income. Thus, it is not a fallback position that has a realistic prospect of being implemented.
29. Even if I could accept that agricultural storage could take place on the appeal site without the need for planning permission, it would not be uncharacteristic. Agricultural machinery, feed and vehicles are expected to be seen on farms within the countryside. Such storage would also be more likely to move and vary due to seasonal farming practices. In this regard, it would differ considerably from the development before me.

Other Matters

30. The acceptability of the scheme with regard to ecological and highway impact, as well as the impact on the living conditions of local residents is neutral in the planning balance, weighing neither for nor against, the proposal. I acknowledge that there is a letter of support from a self-storage customer. However, this largely advocates the credentials of the organisation and does not justify the need for the business in this particular Green Belt location. I further note that the MOD is encouraging its tenant farmers to diversify. Be that as it may, there are likely to be other ways a farm enterprise can diversify without causing the harm identified, subject to the necessary permissions.
31. The appellant advises that the appeal site is adjacent to the Strensall Common Special Area of Conservation and Site of Special Scientific Interest. Given that I am dismissing the appeal in relation to the main issues, it is not incumbent upon me to consider this matter further.

Planning Balance and Conclusion

32. The proposal amounts to inappropriate development in the Green Belt, resulting in a loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are outweighed by other considerations.

33. Given the substantial weight to be given to Green Belt harm, combined with the other identified harm to the character and appearance of the area, and the limited weight attached to the other considerations, the harm is not clearly outweighed. The very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed.

M Clowes

INSPECTOR