

Appeal Decision

Site visit made on 1 October 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/X4725/W/24/3347440

**Darrington Service Station, Great North Road (A1), Pontefract,
Darrington WF8 3HU**

- 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 Welcome Break against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 23/01796/FUL.
 - The development proposed is the installation of a detached food-to-go building (Greggs Pod) and other associated minor site alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal does not include Policy LP62 of the Wakefield Council Local Development Framework Development Policies, adopted 2009 ("LDF"). This policy deals with existing uses in the Green Belt and is therefore applicable to the appeal proposal. However, the Council reference LP Policy LP62 in their officer report and conclude against the policy.
3. The omission of the policy from the Council's reason for refusal therefore appears to be an oversight. The appellant refers to the LDF Policy LP62 in their appeal submissions and therefore, would not be prejudiced if I determined the appeal against this policy. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - a) 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; and
 - b) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development?

5. The proposal would comprise the demolition of an existing portacabin used for office purposes and the erection of a detached building to be used as a "food-to-go" facility. The appeal site is in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 154 of the Framework explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One such exception is *(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would (i) not have a greater impact on the openness of the Green Belt than the existing development; (ii) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.* LDF Policy LP62 (2)(d) reflects the wording of paragraph 154(d)(i) of the Framework.
7. There is no dispute between the main parties that the appeal site comprises previously developed land, and from the information before me and what I saw on my site visit, I do not disagree. Part (ii) of paragraph 154(g) is not applicable to the appeal proposal as it does not involve affordable housing.
8. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both spatial and visual qualities.
9. The Council assert within their written evidence that the volume of the proposal would result in an "increase of over 300%" and also that it would be "almost 3 times the volume of the existing building". Accordingly, the appellant asserts that the Council's volume figures are inconsistent. I note the appellant has not provided an alternative figure. However, it is clear from the submitted drawings that the proposed building would have a significantly larger volume than the existing building.
10. Volume is not the only consideration when assessing the proposal's impact on the openness of the Green Belt. The Council also assert that the proposal would equate to a 50% increase in floor area, which is not disputed by the appellant. Furthermore, a comparison of the submitted drawings indicates that the proposed building would be significantly higher than the existing portacabin.
11. Consequently, in spatial terms, the proposal would have a greater impact on the Green Belt's openness than the existing building.
12. The proposed building would be sited adjacent to the eastern boundary of an existing service station on the southbound carriageway of the A1. The service station comprises a petrol filling station with canopy and a kiosk/shop. An existing area of hardstanding used for parking would be

immediately adjacent the proposed building, while the eastern and southern boundaries of the appeal site are bounded by a low grass bund.

13. The service station is bounded by the A1 to the west with open fields beyond; by open fields to the south; by open fields and residential properties to the east; and by a detached building formerly used as a café to the north. The existing portacabin is clearly visible when travelling along the A1 in both directions and therefore, the proposed building's increased scale, height and massing would result in a significant increase in its visibility.
14. Consequently, in visual terms, the proposal would have a greater impact on the Green Belt's openness than the existing building.
15. I have been directed to the High Court judgement of Euro Garages Limited v SSCLG and Cheshire West and Chester Council [2018] EWHC 1753 (Admin) to support the appellant's proposal. I acknowledge that paragraph 154(g)(i) of the Framework allows for some change to the environment. However, for the reasons detailed above, I have found that the proposal would have a greater impact on the openness of the Green Belt.
16. For the above reasons, the proposal would, in respect of the first main issue, comprise inappropriate development when considered against exception 154(g) of the Framework. It would also conflict with LP Policy LP62, the content of which I have previously described.

Other Considerations

17. The appellant states that the proposal would be in situ on a temporary basis for a period of two years and therefore its effect on the openness of the Green Belt would be for a limited period of time. The Planning Practice Guidance ("PPG") advises on the circumstances where it may be appropriate to impose a temporary condition, namely:
 - A trial run is needed to assess the effect of the development on an area;
 - It is expected that the planning circumstances will have changed in a particular way by the end of the temporary period; or
 - To enable the temporary use of vacant land or buildings prior to longer-term proposals coming forward.
18. From the information before me, I do not consider that any of the circumstances detailed within the PPG are applicable to the proposal. Consequently, it would not be reasonable for a condition to be imposed to limit the proposal to a temporary period.
19. I have been directed to the draft Framework, published July 2024 with reference to the proposed change to paragraph 151(g) to replace "*not have a greater impact on the openness of the Green Belt*" with "*not cause substantial harm to the openness of the Green Belt*", and new paragraph 152 that introduces the concept of Grey Belt land.
20. The proposed changes to the Framework indicate a direction of travel in respect of Green Belt policy. However, they have been subject to public consultation, the results of which are currently being considered. Consequently, it is not known at this stage whether the suggested wording

of paragraphs 151(g) and 152 will be carried forward to adoption or whether they will be subject to further amendments. Accordingly, I attach limited weight to the draft Framework.

21. The proposal would provide economic benefits through employment generation, and the appellant asserts that the proposal would enhance the existing offering at the service station and result in its modernisation. Furthermore, the proposed building will incorporate sustainable design measures. However, I am not convinced from the information before me, that the proposal could not be accommodated on the appeal site by less harmful means that may not comprise inappropriate development in the Green Belt, such as an extension to the existing kiosk/shop. Accordingly, I attach limited weight to these benefits.
22. The appellant asserts that the proposal would be more attractive than the existing portacabin. However, at the time of my site visit the portacabin appeared to be in good condition and did not detract from the surrounding area. Accordingly, I attach limited weight to this matter.

Conclusion

23. The development would be inappropriate development in the Green Belt. 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 clearly outweighed by other considerations.
24. Given the substantial weight to be given to Green Belt harm, relative to the limited benefits of the proposed scheme, the harm is not clearly outweighed by other considerations. Therefore, in respect of the second main issue, the very special circumstances necessary to justify the proposal do not exist.
25. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR