
Appeal Decision

Site visit made on 28 September 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/G4240/W/21/3272598

Weir Mill, Manchester Road, Mossley OL5 9QA

- 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 Mr D Wilcox of Wilco Property against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/01089/FUL, dated 9 November 2020, was refused by notice dated 22 March 2021.
 - The development is described as 'retrospective application for the change of use of land from existing yard to the use of land for self-storage containers.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of land from existing yard to the use of land for self-storage containers at Weir Mill, Manchester Road, Mossley OL5 9QA in accordance with application Ref: 20/01089/FUL, dated 9 November 2020 and the plans submitted with it and subject to the following conditions:
 - 1) The development hereby approved shall be fully implemented in accordance with the approved plan, which is referenced as follows 1381.100 Rev D.
 - 2) Within 3 months from the date of this decision, the secure cycle storage and vehicular parking areas to serve the development shall be implemented in accordance with the details contained within drawing 1381.100 Rev D and shall be retained and maintained for the life of the development.
 - 3) Within 3 months from the date of this decision, a landscape plan shall be submitted to the Local Planning Authority (LPA) for approval. The content of the plan should include elements to mitigate for loss of trees, shrubs and bird nesting habitats resulting from the development hereby approved. The approved landscaping scheme and any bird boxes shall then be installed/implemented, no later than the next available planting season after approval from the LPA has been issued.

Procedural Matters

2. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. The main parties have had an opportunity to comment on the significance of the changes.
3. At the time of my site visit, it was apparent that the development had commenced, with 47no. containers located in position on the site, compared to the 48no. shown on the submitted drawings. However, a single container was

located close to the southern parking area within the site. I have dealt with the appeal on the basis of the existing situation but having regard to the possible layout shown on the submitted drawing.

Main Issues

4. The main issues of this appeal are:

- i. whether the development would be inappropriate development in the Green Belt;
- ii. the effect of the development on openness of the Green Belt;
- iii. the effect of the development on the character and appearance of the appeal site and surrounding area; and,
- iv. if the development is inappropriate development, whether 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. Policy OL1 of the Tameside Unitary Development Plan 2004 (UDP) is concerned with the protection of the Green Belt, but it predates the Framework and contains less detail on the circumstances in which development may be regarded as not inappropriate. Consequently, I have used the wording from the Framework, which sets out current national policy on Green Belts, rather than UDP Policy OL1.
6. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the Framework. The development does not comply with any of the exceptions listed.
7. However, the Framework establishes, at paragraph 150, that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land at paragraph 150 e).
8. Consequently, the development would not be inappropriate development unless it would have a greater impact on Green Belt openness and purposes. My conclusions on the next issue will, therefore, determine whether or not the development is inappropriate.

Openness

9. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to prevent urban sprawl by keeping land permanently open. As such, openness is an essential characteristic of the Green Belt. The Planning

Practice Guidance (PPG) states that openness is capable of having both spatial and visual aspects.

10. The evidence indicates that the site historically formed part of the yard area to Weir Mill. In the absence of any substantive evidence to the contrary, I find that on the balance of probabilities, this is likely to be the case. Nonetheless, there is little before me to indicate that the development is located on a site which previously had a notable amount of built development. Thus, in this instance, the development, through the siting of the storage containers, results in both a spatial and visual reduction in the openness of the Green Belt.
11. The hard standing would also facilitate the parking of vehicles that, whilst not constituting an act of development in itself, adds to the loss of openness on an intermittent basis when the area of car parking is in use. Given the amount of development, there is significant harm to the openness of the Green Belt. The Framework requires that substantial weight is given to that harm to the Green Belt.
12. For the reasons given above, I conclude that the development has a harmful effect on the openness of the Green Belt and represents inappropriate development. This is contrary to UDP Policy OL1 and the requirements of the Framework.

Character and appearance

13. My attention has been drawn to the felling of trees on the site prior to the installation of the containers, although little evidence has been provided with regard to the former condition of the site by either main party. I am aware that the trees felled were not protected and their removal was considered necessary by the appellant, to facilitate repair work on the drainage of the site.
14. I have examined the historical maps submitted as part of the appellant's submission, and the appeal site is comparable to the area identified on these historical images. Additionally, whilst I accept the design limitations of a container, they are nonetheless, functional and fit for purpose. Although, the site comprises a notable area, the site is not visually prominent due to the lower land level that it occupies, due to the surrounding topography. However, I accept that when walking along the footpath adjacent to the main road, the site is visible, due to the modest height of the wall and its raised position. Nonetheless, given the context of its surroundings, including Weir Mill itself and the range of commercial uses that are in operation within it, the development does not discordant or out of place.
15. For the reasons given above, I conclude that the development does not have a significant harmful effect on the character and appearance of the Green Belt. This accords with the design, character and appearance aims of UDP Policy OL2 and the requirements of the Framework.

Other considerations

16. I have concluded that the proposal represents inappropriate development in the Green Belt and harms the openness of the Green Belt. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm. The appellant contends there are

considerations that would outweigh harm arising from inappropriate development and any other harm to amount to very special circumstances.

17. The appellant has provided a number of rental agreements which confirms that 2no. units are being rented on a personal basis and that 44no. units are rented for commercial purposes. The appellant asserts that the businesses' renting the units are based locally and on the evidence before me, I have little reason to disagree. The appellant's formal case to demonstrate very special circumstances, surrounds the notable number of people using the facility, particularly by local businesses.

Green Belt Balance

18. I accept the absence of other harm arising from the appeal scheme, including character and appearance. However, I have concluded that the appeal scheme has harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. Accordingly, there is conflict with national policy and the development plan.
19. However, having carefully considered the benefits of the appeal scheme and all other considerations, including the physical characteristics of the site and the significant number of local business' that the facility serves, I find that individually and cumulatively, these clearly outweigh the substantial weight given to Green Belt harm. As such, the very special circumstances needed to justify the development in the Green Belt exist in this case.
20. Additionally, whilst not cited on the Council's decision notice, the Officer Report suggests that a sequential approach should have been applied to the scheme to demonstrate that no other sites were available, particularly those outside the Green Belt. However, there is little evidence to substantiate this assertion and no other sites have been suggested. Accordingly, I give this matter very little weight.
21. Even if, I agreed with the Council's suggestion surrounding the sequential approach, the lack of substantive evidence to the contrary would not in this instance outweigh my findings regarding the demonstration of very special circumstances. In this instance, there are other considerations in this case that clearly outweigh the harm that I have identified, which justify the development.

Conditions

22. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the PPG.
23. A condition relating to the time limit for implementation is not required in this instance as the development has commenced. For reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary.
24. I have imposed a condition for the implementation of vehicular parking and cycle storage, as it is reasonable and necessary to ensure that these features are installed to ensure safe vehicular parking within the site and an area to park bicycles to encourage alternative methods of transport. Given the nature

and operation of the development, I do not consider that it is essential to provide covered bicycle parking. I have also imposed a condition relating to landscaping of the site, which is reasonable and necessary due to the loss of trees, shrubs and habitat to facilitate the development.

25. I have not imposed suggested conditions relating to surface water drainage and survey work for Himalayan balsam (HB) and Japanese Knotweed (JK). The Canal and River Trust have decided not to comment on the development and there is little evidence to suggest that the existing drainage system on the site is harmful to the River Tame. Additionally, whilst HB is present on the main road, there is little evidence to suggest that either HB or JK is present on the site. In both instances, the suggested conditions are not reasonable or necessary.

Conclusion

26. For the reasons given above, I conclude that the appeal should succeed.

W Johnson

INSPECTOR