

- This application requires close scrutiny should any decision put what is a prominent local business and employer in operating difficulty.
- Concerned about the potential impact any enforcement might have on home to school bus services and notes the applicant has issued statements in documents that there are no other sites available from which the business could operate.

1.5 The application was deferred at the February 2019 Planning Committee at the applicant's request and following a letter sent on behalf of the applicant prior to the meeting. This letter raised issues with comments made in the committee report, which are summarised as follows:

- The inference that the refusal would have little impact on the applicant's business is entirely wrong – it would result in loss of local jobs and loss of the local home-to-school bus service operated from the site as well as putting the whole community in peril;
- The site should not be treated as Green Belt, but if it is, there are Very Special Circumstances comprising of the loss of livelihood, employment and local transport services;
- NYCC consultation response is misleading;
- Parish Council objections have been resolved by agreed provision of passing places;
- 2009 and 2011 Street View images do show vehicles being kept externally on the site;
- The description of the network of depots is misleading as not all are owned by the applicant and the implication that the company has capacity in other areas is wrong;
- The site at Rufforth serves a different geographical area and the recent CLU was on behalf of the applicant Rufforth Estates Limited;
- Rail replacement services are not typically operated from Forest Hill Farm, but the loss of Forest Hill Farm would put the company in severe jeopardy directly impacting on the availability of rail replacement services in York.

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

2.2 National Planning Policy Framework (July 2018)

2.3 City of York Council Draft Local Plan (2005) – relevant policies:

- CYSP6 - Location strategy
- CYSP8 - Reducing dependence on the car
- CYGP1 - Design

- CYGP4A - Sustainability
- CYGP9 - Landscaping
- CGP15A - Development and Flood Risk
- CYNE3 - Water protection
- CYGB1 - Development within the Green Belt
- CYGB3 - Reuse of buildings
- CYGB11 - Employment devt outside settlement limits
- CYT4 - Cycle parking standards

2.4 City of York Publication Draft Local Plan (2018) – relevant policies:

- DP2 – Sustainable Development
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- D1 – Placemaking
- D2 – Landscape and Setting
- GB1 – Development in the Green Belt
- ENV1 – Air Quality
- ENV2 – Managing Environmental Quality
- ENV3 – Land Contamination
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage
- T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raised no objections to the previous 2014 and 2015 applications, but sought clarification about ownership of the farmhouse and hours of operation that have been provided with this application. It is requested that occupation of the residential property be tied through condition to the business due to the potential for conflict between use of the site as a bus depot and occupation of the residential dwelling. No objections are raised given that the site is already operating and has been for a number of years without complaint. Requests that electric charging facilities for the buses are provided with regards air quality and low emissions in accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy, adopted in October 2012.

Network Management

3.2 Initially requested further information about service routes and destinations and raised concerns about the suitability of the narrow lane to serve a bus depot. Following discussions with the applicant, request the creation of two passing places along Pottery Lane in accordance with indicative drawings showing a passing place on the north side of the lane, east of the site entrance and a second passing place on the south side of the lane by Oakwood Farm. The passing places need to be constructed to adoptable standards at the applicant's expense. Condition requested to seek details of the passing places.

Planning and Environmental Management (Landscape Architect)

3.3 The proposed Landscape Mitigation Plan provides suitable landscape mitigation, and makes a valuable addition to the landscape and wider views of the application site, with the exception of the Leyland Cypress hedge. This hedge would introduce an incongruous landscape feature, and should be removed and replaced with a double-row mixed native hedge. The coaches are generally not visible from the land at the front of the original farmhouse, which sits pleasantly back from the road beyond a small paddock/orchard/meadow. In all, the existing and proposed planting is an asset to the area, with the exception of the Leyland Cypress.

Forward Planning

3.4 It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed. Policy GB1: Development in the Green Belt, in relation to the setting of detailed boundaries for York's Green Belt through the Local Plan is considered to have limited weight at this stage in line with para 48 of the NPPF due to the fact that there are unresolved objections to be considered through the examination in public.

3.5 The site is located within the general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's general extent), and the land is considered to serve Green Belt purposes. Given the likely impacts on openness, and within the context of NPPF paras 143 to 147, the application amounts to inappropriate development in the green belt. Substantial weight should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes. Development should not be approved except in very special circumstances; it will be for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt.

3.6 Previous advice concluded that although the use of the site as a bus depot could help deliver a fundamental shift in travel patterns by providing a facility to improve public transport, the nature and the extent of the development for which retrospective planning permission is being sought could be considered as 'inappropriate development' and, by definition, harmful to the Green Belt, so it

should not be approved except in very special circumstances. The applicant at that point did not appear to have demonstrated a sufficient case for very special circumstances (i.e. to show that the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations) and therefore a Policy objection was raised to both previous applications. This issue remains to be resolved.

3.7 There has been some debate as to whether the site falls within the general extent of York's Green Belt, given that the site lies slightly beyond the 'saved' policy's stated 6 miles from the centre of York. Forward planning has given relevant advice on two previous occasions – in June 2015 on application ref 15/00711/FUL and January 2017 on 16/01061/FUL. The advice given previously is that the site is shown beyond the extent of the green belt policy SP2 on the 2005 draft proposals map, the boundary of which reflects earlier plans; it is therefore open countryside in the 2005 Plan. However the 2005 Plan does not form part of the statutory development plan. Whilst its policies are considered to be capable of being material considerations in the determination of planning applications where relevant and consistent with NPPF, the weight that can be applied is limited. Previous advice also states that the site falls within the general extent of the Green Belt (as defined in the RSS) and that the York Green Belt has been established for many years but has never been formally adopted. As per para 2.1 above, whilst the Regional Strategy for Yorkshire and Humber has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. Therefore, it is expected that development management decisions in advance of the adoption of the Local Plan will be taken on the basis that the land is treated as Green Belt.

3.8 Forward Planning is of the view that there are difficulties in using the key diagram to assess the site's specific location in relation to the Green Belt's general extent; a key diagram is not a policies map and is not reproduced from, or based on, an Ordnance Survey map. The key diagram is intended to be indicative because RSS Policy Y1 requires the boundary to be defined at the local level. This does not mean that the 'white land' out with the boundary is not designated as Green Belt, because the key diagram is indicative, not based on geography. The Inspector's report to the Brecks Lane Inquiry references an earlier appeal decision at Cowslip Hill which is similarly further than 6 miles from York City Centre and which was considered as within the outer edge of the Green Belt. The consistent line taken by decision takers (the Secretary of State particularly¹) has been that sites which fall within the general extent of the Green Belt should be subject to the strict controls of Green Belt policy. We are satisfied that this application site falls within the general extent of the York Green Belt and should be afforded the commensurate protection of Green Belt policy.

3.9 The 2018 Draft Plan Policies Map illustrates the proposed inner and outer boundaries of the York Green Belt. York's Green Belt boundary has been drawn to maintain openness and retain permanence, reflecting the guidance set out in NPPF

above. Broadly, the proposed Green Belt boundary follows historical features (Parish boundary and CYC administrative boundary with Hambleton District Council), natural features (field boundaries, hedge/tree/shrub lines), tracks and a road. Land within the Green Belt is held to serve Green Belt purposes. Having regard to the five purposes of Green Belt land, purposes 3, 4 and to some extent 5 in general terms are relevant to the swathe of land within which the application site sits.

EXTERNAL

Foss Internal Drainage Board

3.10 This application sits within the Foss (2008) Internal Drainage Board district. The Board does have assets adjacent to the site in the form of Primrose Dyke; this watercourse is known to be at capacity in high flow conditions. It further discharges to the River Foss which has recently had flood capacity problems in its lower reaches at the Foss Barrier. It is noted that on the current application form the proposal for the disposal of the surface water is via a soakaway. The Board would welcome this approach to surface water disposal but the application appears to relate to a number of different methods of surface water disposal in reality. Requests conditions seeking a full drainage strategy given the lack of surface water disposal details and conflict between the application form and Drainage Report.

North Yorkshire County Council

3.11 No comments to make regarding the proposed development.

North Yorkshire County Council (Integrated Passenger Transport)

3.12 This application does not impact on the operation of either home to school or local bus services.

York Quality Bus Partnership

3.13 Comment as follows:

- Highlights the lack of bus and coach depot facilities in and around York;
- The lack of depot facilities was one of a number of reasons quoted by operators when no responses meeting the Council's financial expectations against the specification tended were received following the competitive tendering process for the Park and Ride network in 2016;
- Location of depot facilities is important as operators generally seek to minimise 'dead running', which in a competitive market place with low margins, can be the difference between a viable service or otherwise;
- Important to minimise unnecessary mileage for environmental reasons;

- Having a geographic spread of bus and coach depot facilities is generally advantageous.

Strensall Parish Council

3.14 The Parish Council raise several objections:

(i) The site location is only accessible via a narrow road where it is impossible for two vehicles to pass without damaging the verge. There is no request in the application to upgrade the access road to provide passing places or upgrade of the road surface itself. Most of the vehicles using that road are either agricultural or commercial and therefore larger and wider than a normal car, making passing a bus impossible without damage.

(ii) The screening should be with mature trees and shrubs which will be effective more quickly than semi-mature ones.

(iii) Consultation with North Yorkshire County Council Highways and Hambleton District Council must take place to ensure that the highway and verges under their control that are affected by this transport operation can be modified either with the inclusion of suitable and sufficient passing places or the highway widened so that the verge damage is reduced or eradicated.

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.15 Owner/occupier of Hundred Acre Farm raises no objections.

- It is a very tidy operation and drivers always drive slowly and are very courteous to car drivers;
- The benefits to the wider community of good coach company that serves local schools outweighs any visibility issues from the roadside (which will be made good with a planting scheme);
- Concerned about use of road in general by other vehicles.

4.0 APPRAISAL

4.1 The key issues material to the consideration of the application are:

- Principle of development;
- Green Belt policy;
- Access and highway safety;
- Character and appearance;
- Residential amenity;
- Flood risk and drainage;
- Other considerations.

BACKGROUND AND PLANNING HISTORY

4.2 Relevant planning history for the site is as follows:

- 04/03902/FUL - Conversion of barn to caravan storage approved;
- 09/00725/FUL - Change of use from caravan storage to coach/bus storage and maintenance approved;
- 14/02793/FUL - Retrospective application withdrawn for change of use of land to coach/bus storage;
- 15/00711/FUL - Retrospective application for change of use of land and building to a bus depot including an extension to the north elevation of the main building complex and detached single storey office building and hardstanding refused.

4.3 The application site comprises the former agricultural land and buildings to the rear of the original farmhouse, occupied by the applicant. An aerial photograph from 2002 shows the site in use as a farm with the farmhouse to the south of a collection of agricultural buildings. Permission had been granted for the change of use of the buildings to caravan storage in 2004 and subsequently for bus/coach storage in 2009 – the latter submitted by Mr T James, who is the current owner of York Pullman Bus Company. Both these approvals related to one former agricultural building comprising three attached barns. Conditions were attached to the 2004 application to restrict the use to storage of caravans only within the building with no outside storage in order to protect the openness of the Green Belt. Conditions were attached to the 2009 approval restricting the 'building the subject of the application' for the storage of buses and coaches only and prohibiting any external storage in the interests of the protecting the open countryside.

4.4 Following the division of the original business based at Rufforth Airfield, K&J Logistics, the applicant relocated some of the buses/coaches to the application site. The company now utilises a network of depots providing services in the York area following the purchase of sites in Market Weighton (Ideal Motor Services), Warren Lodge site at the A64 Bilborough Top junction and Hospital Fields Road (Inglebys Luxury Coaches). In the Yorkshire area, the business has sites in Boroughbridge (Dodsworth Coaches), Harrogate (Wrays of Harrogate), Leeds (Godsons Coaches) and Selby (York Pullman). The business provides home-to-school, emergency rail replacement and event services, such as York race meetings, from the various depots. However, planning permission has been refused by Selby District Council (ref. 8/84/38G/PA 10.2.17) for the use of the Warren Lodge at Bilborough Top as a bus depot on the grounds of harm to highway safety due to the lack of adequate visibility at the site entrance. Warren Lodge was used primarily for home-to-school services for Tadcaster School and emergency rail replacement. With regards to the depot at Forest Hill Farm, there are currently 7 no. buses that take children from Sutton-on-the-Forest, Strensall and Stockton-on-the-Forest to Huntington School and one bus taking to St. Wilfred's RC School.

4.5 The 2015 planning application for the retention of the bus depot at Forest Hill Farm was refused on three grounds relating to the impact on open countryside, highway maintenance and unsustainable location. The site was not considered as falling within Green Belt, though it was considered to be in the response from the Council's Strategic Planning Team.

4.6 On 7 February 2019, a lawful development certificate (ref.18/02599/CLU) was granted confirming the use of part of Rufforth Airfield for a mixed use as haulage business and the headquarters and operational base of a bus and coach operator, including parking of buses and coaches, vehicle maintenance and administration. The applicant for the CLU application was Rufforth Estates. As part of the CLU submission, a sworn affidavit is provided by Mr James (applicant) confirming his involvement in the Rufforth site and its use as the operational base for York Pullman Bus Company. A copy of the licence for the Rufforth site confirms that 56 York Pullman vehicles are licensed to operate from the site until 31 Aug 2023.

POLICY CONTEXT

Development Plan

4.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York mainly comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. The Neighbourhood Plans are not relevant to this application. The Saved RSS policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Draft Local Plan

4.8 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site lies within an area of white land on the Proposals Map that accompanies the draft 2005 plan.

Emerging Local Plan

4.9 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.10 Relevant policies are set out in section 2, however limited weight can be attributed to the requirements of emerging Plan policies SS2 and GB1. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The Proposals Map accompanying the 2017 plan includes the site within Green Belt land around York.

National Planning Policy Framework

4.11 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2018) places emphasis on achieving sustainable development. The relevant chapters of the Framework include 11 'Making effective use of land', 12 'Achieving well-designed places', 13 'Protecting Green Belt land', 14 'Meeting the challenge of climate change, flooding and coastal change' and 15 'Conserving and enhancing the natural environment'.

PRINCIPLE OF DEVELOPMENT

4.12 The saved RSS York Green Belt policies and key diagram referred to in paragraph 4.7 illustrate the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. These policies state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The outer boundary of the Green Belt has not formally been defined or identified in an adopted plan, but it is considered in the RSS to be 'about 6 miles' from the City Centre (taken as being St. Sampson's Square). It is considered that the figure is intended to be an indicative measurement.

4.13 The application site lies at a distance of about 6.5 miles from the City Centre - the access to the site is within the 6.5 miles radius measured from St Sampson's Square and the bulk of the site is on or beyond the 6.5 miles, but less than 6.6 miles. It is noted that the Inspector for the appeal relating to the Brecks Lane site at Strensall, which lies about 6.4 miles from the City Centre, considered that this site was within the general extent of Green Belt. In her decision, she refers to the unchallenged appeal decision at Cowslip Hill, Strensall, which lies at a distance of approximately 6.5 miles from the City Centre. The Secretary of State in refusing planning permission on 18 March 2015 concurred with the Inspector that the site at Brecks Lane be considered as within the outer edge of the Green Belt. It is noted that both of these sites fall within the Green Belt designation on the 2005 Local Plan Proposals Map.

4.14 The application site was included in an area of white land within the 2005 Draft Local Plan and was excluded from the York Green Belt. The reason for this is unclear, but would seem to reflect the position taken in the North Yorkshire Green Belt Local Plan (1995) and Southern Ryedale Lane Plan, and therefore was a position inherited by York when the land became part of the City's administrative boundary as a result of the 1996 Local Government re-organisation and taken forward in the preparation of the 1998 York Local Plan that became the 2005 Draft Local Plan. The previous 2015 application did not assess the proposals against Green Belt policy as it was taken that the site lay outside the City's Green Belt. However, the Council's Forward Planning Team consider that, both at the time of the 2015 application and in response to this application, the site should be considered as falling within the general extent of Green Belt. Since this time, the 2018 Publication Draft Local Plan has been progressed and has now been submitted for examination. This emerging Local Plan includes the site within the City's Green Belt.

4.15 Forward Planning have confirmed that the outer Green Belt boundary in the emerging Local Plan has been drawn to maintain openness and retain permanence, based on an assessment of land against the Green Belt purposes set out in paragraph 134 of the NPPF. The proposed Green Belt boundary follows historical features such as administrative and parish boundaries, natural features such as field boundaries and manmade features such as tracks and roads. The swathe of land within which the application site sites has been assessed against the five purposes. In particular the land lies within an area of open, typically agricultural countryside to the north west of Strensall and is dominated by flat open fields, with views of isolated farms and hedge and tree boundaries. It is considered that the area within the site sits seeks to safeguard the countryside from encroachment and preserve the setting and special character of the historic town of York, which comprises the main urban area of York encircled by a number of smaller peripheral settlements set within relatively flat open countryside.

4.16 The agent for the scheme disagrees with this conclusion and, whilst accepting that sites lying within 6.5 miles could be described as 'about 6 miles' from the city

centre, considers that the site lies outside the radius of 6.5 miles and is nearer to 7 miles than 6 miles. He refers to the lack of consistency with the 2015 decision for the site, the well established lawful nature of the site as an existing agricultural yard and his assessment that the site serves no Green Belt purpose. He considers that a determination contrary to the previous decision when there has been no material change to the development plan would be unlawful. Whilst the applicant refers to a 'major unresolved objection' by the examining Inspectors to the approach setting new arbitrary Green Belt boundary, Forward Planning confirm that the Inspectors have not objected but have requested further evidence to support the approach to Green Belt and as such disagree with the assertion of the applicant that this represents a 'major unresolved objection'. The further information has been provided to the Inspectorate and confirms the Green Belt boundary in this area of the City as shown on the Proposals Map accompanying the emerging Local Plan.

4.17 However, taking into account the advice from Forward Planning, the Brecks appeal decision and the inclusion of the site in Green Belt in the emerging Local Plan based on the contribution the area of land that the site lies within to the purposes of Green Belt and the submission of the emerging Local Plan with background evidence documents to the Planning Inspectorate for examination, Officers' consider that the site should be treated as falling within the general extent of Green Belt. In accordance with paragraph 11 of the NPPF, the more restrictive policies in section 13 of the NPPF apply.

GREEN BELT POLICY

4.18 Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 134 sets out the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.19 The proposal seeks retrospective consent for the use of land and buildings on it as a bus depot along with the retention of buildings and hard standing that have been added at the site without the benefit of planning permission.

4.20 The starting point in Green Belt policy terms is that development in the Green Belt is inappropriate unless it falls within the exceptions in paragraphs 145 and/or 146. The retrospective proposal for the bus depot includes the re-use of existing buildings, change of use of agricultural land, extension to building 1, the erection of

a single storey office building and creation of hardstanding to park buses and coaches externally.

4.21 The largest building on site, referred to as buildings 1 and 2 on the plans, is that to which the 2009 consent relates and has a lawful use for the storage of buses and coaches. Buildings 4, 5 and 6 have no lawful use for their present use. The re-use of the buildings within Green Belt can be considered to be appropriate in accordance with paragraph 146 of the NPPF providing they are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The buildings have clearly been present for a significant period of time and appear on an aerial photograph of the site dating from 2002. Therefore, whilst no structural survey has been submitted, it is evident that the buildings are of permanent and substantial construction and are suitable for the intended use for vehicle storage.

4.22 The extension to the north of building 1 replaces a previous, albeit smaller, structure. The proposal would increase the footprint of the former element by 50% and its height by approximately 2.5m at eaves. However, the increase can be considered to be a proportionate addition to the existing larger vehicle storage building.

4.23 The provision of the single storey portable office would fall outside the exceptions in paragraphs 145 and 146 and would constitute inappropriate development in the Green Belt, though the location of the building is such that there would be limited harm on the openness of the site or that of the Green Belt.

4.24 The use of the site as a depot has involved the creation of outside storage areas for parking approximately 20 buses/coaches with further provision of staff and visitor parking on land that was previously grassed as part of the land around the former farm yard. Paragraph 146 of the NPPF considers that engineering operations and material changes in the use of land within the Green Belt are not inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it.

4.25 There is no definition of openness in the NPPF, but is commonly taken to be an absence or freedom from buildings or built development and that it has a visual as well as spatial aspect. The parking of buses/coaches and other vehicles within the site on what is land used in connection with an agricultural purpose would impact, both spatially and visually, the open character and appearance of the site and the surrounding area due to the flat nature of the landscape. This change of use of the land and engineering works involved the creation of the parking areas are considered to be inappropriate development in the Green Belt. Further, the landscaping proposed, introduces a more substantial tree belt into a relatively open landscape, interrupting wider views across the land and thereby impacting on openness.

4.26 The applicant has a depot at Warren Lodge at Bilborough Top, adjacent to the A64 west of York. This site has most recently been refused planning permission on the grounds of highway safety, though a previous Inspector did accept a depot for emergency rail replacement transport as a 'local transport infrastructure'. Paragraph 146(c) includes as potentially appropriate development in the Green Belt local transport infrastructure if it can be demonstrated that there is a requirement for a Green Belt location and, as before, openness is preserved and there is not conflict with Green Belt purposes. The applicant claims that the bus depot is also local transport infrastructure as buses sited here also fulfil an emergency rail replacement service. He has been given the opportunity to provide evidence as required by the Inspector for the Warren Lodge appeal application to demonstrate that there is a requirement to provide this depot in a Green Belt location, but has not done so due to his opinion that the site is not within Green Belt. An analysis of alternative sites put forward by the Council was undertaken prior to December 2015, with the seven sites dismissed on the basis that substantial investment has been made at Forest Hill Farm in order to accommodate the services operating from the site and the business could not withstand the cost and disruption of relocating the bus depot to another site. However, the applicant has chosen to make such investments at the site without first having the benefit of planning permission for the level of the operation and was therefore at his own risk.

4.27 The depot provides for the daily home-to-school service for children from Strensall to Huntington School (involving seven buses according to the business website), with a less frequent servicing of event days and for rail replacement services. Over recent years the number of bus companies able to offer the home-to-school service has significantly reduced with Stephensons and Just Travel both ceasing trading. However, the number of buses based at Forest Hill Farm taking children to Huntington School on a daily basis during weekdays is seven, with six collecting children from Strensall village and one collecting children from Stockton on-the-Forest (taken from York Pullman website). The company provides the home-to-school service for other schools in and outside York, which are not close to the Forest Hill Farm site. Even allowing for some additional buses in the event of vehicles breaking down or to facilitate other services provided to the local schools, this does not justify the amount of storage and the resulting encroachment into the countryside that is proposed at the site.

4.28 Whilst claimed to be used as part of the rail replacement service, this was also the stated intention of the Bilborough Top site and it is noted that Forest Hill Farm is physically removed from the primary road network (such as A64) and the key railway stations in the area. Other depots operated by the business, such as Bilborough Top, Hospital Fields Road and Rufforth Airfield, are better placed in the City and its surrounding area to fulfil an emergency rail replacement requirement, due to their close proximity to main roads within the highway network and easier access to the main railway stations, such as York. Furthermore, the depot would not preserve openness and would lead to encroachment into the countryside beyond the former farmyard due to the external storage of vehicles.

4.29 Aspects of the scheme are considered to be inappropriate development within the Green Belt and as such are harmful by definition. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

ACCESS AND HIGHWAY SAFETY

4.30 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site is located approximately 1.7km north-west from Strensall, accessed from the public highway network via a narrow rural lane leading from Strensall to Huby and beyond to Easingwold. The site is not served by public transport and there are no footpaths or street lighting. It is not within easy walking distance of Strensall village and the nearest public transport route. Therefore, a commercial operation at the site is heavily dependent on private travel by its staff.

4.31 As mentioned above, the bus depot provides a home-to-school service for the local settlement of Strensall and Stockton-on-the-Forest to Huntington School, consisting of seven buses collecting and dropping children. The agent states that this in itself would significantly benefit sustainability by reducing the reliance on travel by private car as a result of drop offs and pick ups of school children by parents. The delivery of this service for the children of York is clearly important where there are no other public transport alternatives.

4.32 The narrow width of the access road to the site from Strensall is not sufficient to accommodate two buses passing one another or a bus passing other vehicles, be it farm vehicles or private cars. This has resulted in vehicles having to dismount the roadway to allow the vehicles to pass. Whilst the road is a quieter route than others within the City, the siting of a bus depot on it has increased the number of vehicle movements and as a result the potential for conflict between road users and an erosion of highway safety.

4.33 Network Management originally objected to the application as a result of the adverse impact on highway safety from the unsuitable location for a bus depot, but have been in lengthy discussion with the applicant about the provision of two passing places along Pottery Lane to facilitate vehicles passing. The road is straight and so visibility of approaching vehicles is possible. As a result of these discussions, the applicant has been asked to contribute to the provision of the passing places, which are proposed within his land to the north of Pottery Lane and at the junction with Forest Lane. The provision of the passing places can be secured through

condition, which would meet the tests required of planning conditions in paragraph 55 of the NPPF.

CHARACTER AND APPEARANCE

4.34 Chapter 12 of the NPPF gives advice on design, placing great importance on the design of the built environment. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area. These aims are reflected in draft Local Plan policies GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 emerging Local Plan.

4.35 The proposal involves landscaping of the site boundaries to minimise or mitigate the impact of parked buses and coaches in views of the site and across the relatively flat open and flat landscape. The Landscape Mitigation Plan submitted in support of the application proposes the retention of the existing Leyland Cypress on the southern and eastern site boundaries, the retention of existing Norway Spruce on the northern site boundary and two new shrub and tree belts, one within the site and one along the western site boundary. The plan provides suitable landscape mitigation and would be an asset to the landscape that would help to screen the buses, but the Leyland Cypress hedges would be an incongruous landscape feature and should be replaced with a mixed nature hedge.

4.36 On the basis of the current proposal, the site would appear as an incongruous feature in the landscape. Whilst the Leyland Cypress trees could be replaced with more appropriate native tree planting to screen the site, secured through condition, the buses, in particular the double decker buses, would still be visible to some extent given their height and the flat and open landscape. Moderate weight is attributed to this harm to visual amenity.

RESIDENTIAL AMENITY

4.37 Paragraph 127(f) of the NPPF seeks that developments create a high standard of amenity for existing and future users. Paragraph 180 of the NPPF also states that new development should be appropriate for its location taking into account the likely effects of pollution on health and living conditions, including mitigating any impacts from noise and light pollution.

4.38 The site is relatively remote and is surrounded by agricultural fields. The nearest residential property, Hundred Acre Farm, lies to the west and is separated by a field. The residents of this property have written in to support the proposal. Residential properties on Pottery Lane to the east would be impacted by passing buses, though it is noted that the number is limited and that journeys are limited. Bus activity on site would be mitigated by the boundary landscaping. As such, Public Protection raises no objections to the application subject to a condition linking the occupation of the dwelling onsite to the use of the site to avoid potential conflict and,

as such, no further harm is identified. Further discussion is encouraged by Public Protection about the installation of electric vehicle charging points to meet the Council's Low Emission Strategy (2012), supported by the NPPF.

FLOOD RISK AND DRAINAGE

4.39 Paragraph 155 of the NPPF states that development should be directed to the areas of low flood risk and that development should be made safe for its lifetime without increasing flood risk elsewhere. Policies GP15a of the 2005 Draft Local Plan and ENV4 and ENV5 of the 2018 emerging Local Plan reflect the advice of the NPPF.

4.40 The site is located within Flood Zone 1 (low probability) and should therefore not suffer from river flooding. The use involves a less vulnerable use that is appropriate in Flood Zone 1. Foul water is to be discharged to a cess pit and surface water to land drainage/ditch with water from vehicle washing filtered through a silt trap. The Internal Drainage Board has requested conditions be imposed to ensure that the site is adequately drained with increased risk of flooding from local watercourses, which are known to be at capacity in high flow conditions.

OTHER CONSIDERATIONS

4.41 Paragraphs 143-144 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh identified harm to the Green Belt and any other harm, which would amount to very special circumstances. Substantial weight is to be given to the harm to the Green Belt. When attempting to prove very special circumstances, the onus is on the application to prove that the exceptional nature of the proposal clearly outweighs the harm that it would cause to the Green Belt and any other harm.

4.42 The applicant strongly disagrees that the site is within the Green Belt, but the Council takes the contrary view. The applicant considers that the use comprises local transport infrastructure for which there is no suitable and available alternative site. The primary very special circumstances is considered by the applicant to be the severe impact on the provision of home-to-school services in York if the site is lost, and as a result of this, the loss of a business and many existing and future jobs. The applicant considers that there is a fall-back position, being the 2009 planning permission. The applicant points out that the private bus and coach services provided by the company cannot be separated from the home-to-school services as buses are interchangeable.

4.43 It is acknowledged that the bus company does deliver a valuable service to the City in terms of its home-to-school service in particular and that the storage of some buses at the site to facilitate the delivery of this service for local children in Strensall to Huntington School is sustainable and appropriate. However, the issue is whether there is a justified need for this remote site to be used for the storage of the

proposed number of buses and coaches, which significantly exceeds the number that serve the local home-to-school need in this area of the City and would harm the openness and purposes of the York Green Belt and impact on the rural character and appearance of the local environment. It is understood that the company utilises other locations in and around the City that are currently used for parking buses and maintenance of buses and which are more sustainable and accessible to deliver other services offered by the company. Some of these sites are within the urban area, such as Hospital Fields Road, or have a lesser impact on the openness of the Green Belt (Rufforth Airfield or Rawcliffe Park and Ride). In addition, it is noted from the submission made as part of the 2018 Certificate of Lawful Use application (18/02599/CLU) that the site at Rufforth is described as the 'formal operational base and exterior parking of York Pullman Buses' and Mr James provided a sworn affidavit of his involvement in the Rufforth site and its use by York Pullman Bus Company. The licence granted for the site until 31 August 2023 for York Pullman Bus Company allows the site to be used as an operating centre for 56 vehicles.

4.44 In terms of the claimed fall-back position, the 2009 consent restricted use of the site to the storage of buses and coaches within the existing barn to which the application related (condition 3) and restricted buses and coaches along with any parts or equipment being placed or stored on any other part of the site than within the barn (condition 4). Therefore, it is not considered that the fall-back position would have the same or greater impact on the openness of the Green Belt than the proposed development. As such, limited weight is given to the claimed fall-back.

4.45 The test in national Green Belt policy is whether these other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any harm to the Green Belt.

5.0 CONCLUSION

5.1 The proposal seeks retrospective permission for the use of a former farm north of Pottery Lane as a bus depot with physical changes made to the site. The site is considered to fall within the general extent of York's Green Belt. The development would fall outside the listed exceptions in paragraphs 145 and 146 of the NPPF and as such constitutes inappropriate development in the Green Belt that is harmful by definition. Further significant harm to openness and purposes of the Green Belt has been identified. Substantial weight must be given to the harm to the Green Belt. There is also an adverse impact on visual amenity as a result of the location of the depot and the related screening in an otherwise flat and open landscape. Other potential harm to highway safety and flood risk could be mitigated by condition. No harm to residential amenity is identified.

5.2 It is considered that cumulatively the considerations put forward in favour of the proposed development have only moderate weight. They do not clearly outweigh the totality of harm to Green Belt and the harm to visual amenity. Therefore, the very special circumstances necessary to justify the proposal do not exist and, in

accordance with paragraph 144 of the NPPF, the application should not be approved.

6.0 RECOMMENDATION: Refuse

1. The proposed development would constitute inappropriate development in the Green Belt that does not fall within the listed exceptions in paragraphs 145 and 146 of the National Planning Policy Framework (2018). There is the potential for further harm to the openness of the Green Belt and the purposes of including land within it and general visual amenity, due to the intrusion into the landscape of the bus depot and incongruous screening. The considerations put forward by the applicant are not considered to amount to the very special circumstances that are required to clearly outweigh the totality of harm to the Green Belt and other harm identified. The proposal is therefore considered to be contrary to paragraphs 143 - 146 of the National Planning Policy Framework.

7.0 INFORMATIVES:

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- Further clarification sought from applicant about the business and its need for a Green Belt location in order to assess whether the proposal would be appropriate in Green Belt policy terms;

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

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