

COMMITTEE REPORT

Date: 10 February 2011
Team: East Area
Ward: Strensall
Parish: Stockton-on-the-Forest
Parish Council

Reference: 10/00612/FUL
Application at: Grange Farm Hazelbush Lane York YO32 9TR
For: Change of use of land to form extension to existing haulage yard to provide storage for lorries, trailers and portable buildings and to provide parking for employees (resubmission)
By: Mr John Rhodes
Application Type: Full Application
Target Date: 7 June 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application is for a change of use of agricultural land to form an extension to the operating area of an established haulage yard. The application is part retrospective in that the area of land has already been extended to the west and partly to the south and whilst this application reflects that, it also encompasses a further additional area to the south.

1.2 The site is in the Green Belt and is accessed off Hazelbush Lane between its junction with the A64 and the Sandy Lane entrance into Stockton on the Forest.

SITE HISTORY.

1.3 Planning permission was granted in 1997 for the change of use of what had been a contractor's yard to use as a haulage yard. Condition 5 of that permission restricted the outside storage of parts, materials, containers or waste without prior written approval. A lawful development certificate application for the use of land was submitted in 2009 to show that the outside storage of materials / containers etc had been taking place continuously for more than 10 years. This certificate was issued in November 2009 pertaining only to the area of land which was subject to the 1997 planning permission and not any part of the land subject to this application.

1.4 A previous application for this extension was submitted in 2009 but was withdrawn due to insufficient information being submitted to justify the need for the additional land.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

Policy GB1 – Development in the Green Belt.

3.0 CONSULTATIONS

3.1 Highway Network Management.

Raise some concerns over the condition of the existing access into the site as it is not constructed to a recognised standard. However given that it is an application to increase the area of the land within which the business will operate as opposed to the number of heavy vehicles using the site, officers do not consider that a recommendation to improve the access could be justified here. In light of this there are no highway objections.

3.2 Environmental Protection

No objections.

3.3 Stockton on the Forest Parish Council

No comments received.

3.4 Third parties.

A site notice was placed close to the site entrance. No comments received.

4.0 APPRAISAL

4.1 Key Issues.

- impact on the Green Belt.

4.2 The main issue here is the impact on the Green Belt as a result of the proposed expansion. The proposals do not include any increase in the number of heavy vehicles operating from the site. A condition was imposed on the original change of use consent in 1997 restricting the number of vehicles operated by this business to 25 and this application does not include plans to increase this number and this restriction would remain relevant. Therefore there are limited highway safety issues arising from the proposal. The site is also relatively isolated with no immediate neighbours and therefore it is not envisaged that any significant neighbour amenity issues arise from what is proposed.

4.3 National guidance on development in the Green Belt is contained in PPG2 (Green Belts). Para. 3.12 refers to engineering operations on land and the making of any material change in the use of land. It states that 'The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of

including land in the Green Belt'. Any development which is considered to be inappropriate development should not be approved, except in very special circumstances. These circumstances should be put forward by the applicant.

4.4 Relevant draft local plan policies include Policy GB1 (Development in the Green Belt). This states that planning permission for development will only be granted where the scale, location and design of such development would not detract from the open character of the green belt, would not conflict with the purposes of including land within the Green Belt and would not prejudice the setting and special character of the city. It lists the appropriate forms of development in the green belt and states that all other forms of development within the green belt are considered inappropriate and very special circumstances will be required to justify where this presumption against development should not apply.

4.5 In this case, the proposal is to expand the haulage yard westwards and southwards. The area of proposed expansion consists of an area of approx. 5400sqm. The existing area of land which has consent is approx. 6400sqm so the proposal effectively doubles the size of the site. This involves changing agricultural fields into areas of hardstanding which in turn are proposed to be used for the continued parking of vehicles (lorries and cars) and the storage of portable buildings in connection with the applicant's main haulage use. Officers consider that such an extensive area clearly fails to maintain the openness of the green belt and therefore, by definition, represents inappropriate development. It is such a large area that officers consider that harm would clearly be caused to the green belt if the business was allowed to expand in such a way.

4.6 The applicant has put forward various very special circumstances which they consider to outweigh this harm. These include changes to the size of the vehicles used by the applicant, requiring more staff to cover driving times, the change in the nature of the portable buildings hauled and the longer periods for which it is has become necessary to store the buildings or have the lorry trailers parked up at this site (as opposed to them being off-site at development sites or other storage sites) due to the economic situation.

4.7 To expand on these a little, due to changes in the nature of the business the applicant provides (the hauling of portable buildings) he has been required to invest in some larger vehicles and these need additional room for turning and parking etc. He has also had to employ more drivers due to tougher rules on driving times for drivers so more space for staff parking is also required. It is acknowledged that the applicant has probably had to adapt his business to some degree due to progress and legislative changes in the haulage industry and in this regard officers accept that some expansion to the west, work which has already taken place (but the extent of which would need to be formally agreed), is probably justified.

4.8 The area of particular concern for officers is the area of expansion shown to the south of the existing site. This in itself represents an area approx. 65m wide and 50m deep, an overall expansion southwards of approx. 3250sqm. It is proposed that this area will essentially be used for the storage of extra containers / portable buildings and officers consider this to be unacceptable on such a large scale in the green belt. The business here was originally granted consent as a haulage yard with a condition

restricting outside storage. Whilst the applicant has claimed that this was a mistake and it was always the intention that portable buildings would be stored at the site, the extent of this storage is becoming a significant part of the business and by allowing such an area to be used for this use, the nature of the business would be seen to be changing more towards an outdoor storage site, something that would generally be considered unacceptable in the green belt. Whilst it is acknowledged that the area with planning consent can be used for outdoor storage by dint of the certificate of lawful use granted in 2009, this is not a reason to allow a further large expansion akin to that proposed here.

4.9 The economic situation is put forward as a very special circumstance to justify why more containers and buildings need to be stored at the site. This is explained because historically some of the applicant's trailers were left on the sites of various customers throughout York and the wider area but due to the changing economic climate these customers have been forced to use this land for their own needs, the result of which being that a greater area than that with planning permission has been required to store these trailers and portable buildings at Grange Farm. However these are operational difficulties which should have been taken into account when re-locating the business here originally. The planning permission was for a haulage yard with no outside storage and this restriction was never challenged at the time. Notwithstanding the subsequent granting of the certificate, officers do not consider these reasons represent very special circumstances to allow the expansion proposed, more a set of circumstances which are not out of the ordinary and which should have been considered when the applicant decided whether this site was a suitable one for their business. From previous case histories and practice, it is rare to be able to justify very special circumstances on the basis of economic reasons alone, unless it is for a very major employment investment, to outweigh what is otherwise clear harm to the character and openness of the green belt.

4.10 The application has been accompanied by a landscaping proposal. This includes extensive bunding and the significant planting of trees etc in order to screen the area in question. However, officers do not consider that this should be used as a justification to make something which is otherwise unacceptable, acceptable in the green belt. This was the reason why the condition preventing outside storage was placed on the original consent. Indeed, the extent of this work in itself alters the character and profile of the land to such an extent that officers do not consider the extent of the screening and planting proposed can be used as a reason to justify the area of expansion proposed.

5.0 CONCLUSION

5.1 The proposed expansion is large scale and would almost double the size of the site. This represents a size of extension and use of land which is considered unacceptable in such that it harms the character and openness of the green belt and therefore, by definition, represents inappropriate development in the green belt. No very special circumstances have been put forward by the applicant which officers consider to outweigh this harm. The application is therefore recommended for refusal and enforcement action will be required to rectify the breaches which have already taken place.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed expansion is large scale and would almost double the size of the site. This represents a use of land which is considered unacceptable in such that it harms the character and openness of the green belt and therefore represents inappropriate development in the green belt. The proposed bunding and landscaping does not offset this impact. No very special circumstances have been put forward by the applicant which are considered to outweigh this harm. The proposal is therefore contrary to national planning guidance in PPG2 (Green Belts) and Policy GB1 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Matthew Parkinson Appeals and Enforcement Team Leader

Tel No: 01904 551657