



Appeal Decision

Site visit made on 8 January 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal Ref: APP/H1033/W/23/3331118

Bridgeholme Mill, Bridgeholme, Chinley, Derbyshire SK23 6DX

- 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 Chris Sizeland of CJK Packaging against the decision of High Peak Borough Council.
 - The application Ref HPK/2022/0443, dated 30 September 2022, was refused by notice dated 17 April 2023.
 - The development proposed is described as proposed warehouse extension for B2/B8 mixed use development.
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Decision

1. The appeal is allowed and planning permission is granted for proposed warehouse extension for B2/B8 mixed use development at Bridgeholme Mill, Bridgeholme, Chinley, Derbyshire SK23 6DX, in accordance with the terms of the application Ref HPK/2022/0443, dated 30 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address from the application form, albeit slightly reordered it.
3. A number of representations have been submitted which relate to a different site and development (ref: HPK/2021/0651). For this reason, I have not taken them into consideration.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
5. The appellant requested a Hearing but I am satisfied that the planning issues raised are not complex and can be clearly understood from the appeal documents and a site inspection. I have no need to orally test the evidence. In accordance with the Procedural Guide to Planning Appeals – England the written representations procedure is therefore appropriate.
6. The proposal is a resubmission of a previous proposal for a similar extension to the existing warehouse, which was the subject of an unsuccessful appeal¹. The

¹ Appeal ref: APP/H1033/W/21/3289368

current proposal is largely unchanged from the earlier one, except a mixed B2/B8 use is now proposed. The appellant contends that the case put forward is made as a direct response to the Inspector's findings. As such, and because the main issues are the same as in this case, save for character and appearance this earlier appeal decision is material to my consideration of the current proposal.

Main Issues

7. In view of the above, the main issues are:

- The effect of the proposal on the openness of the Green Belt; and
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Openness of the Green Belt

8. The appeal site currently comprises a parcel of land located next to a large warehouse building within a busy industrial estate located close to the A6. The appeal scheme proposes an expansion of the existing building which is formed of 3 distinct bays. The development seeks to extend this building with an additional bay of roughly the same scale and design.
9. Paragraph 142 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Policy EQ4 of the High Peak Local Plan (LP) echoes the Framework in this regard and seeks to protect the Green Belt and maintain its openness and permanence.
10. Openness can have both spatial and visual aspects. The proposal would introduce built form onto a site which is generally open and free from any significant permanent development. Therefore, even when considering that there are two shipping containers and equipment on the site and the site was previously developed land, the introduction of a further bay, as proposed on the plans, would have an adverse impact on the openness of the Green Belt in spatial terms.
11. However, that impact is substantially reduced by the existing earth bund and mature tree and hedge cover around the site. Additionally, the majority of views of the extension would be from within the industrial estate given the location of the appeal site, while views from wider vantage points, including the public right of way, would be fleeting, limited and seen in connection with the existing building.
12. I note that the appellant does not dispute there would be a loss of openness, and I agree that, overall, this harm to the Green Belt as a result would be limited and localised. This would match the findings of the previous Inspector. Nevertheless, harm to the Green Belt would still occur and as a result the proposal would therefore conflict with the Framework and LP Policy EQ4. The Framework states in paragraph 153 that when considering any planning application, substantial weight should be given to any harm to the Green Belt.

Other considerations

13. A number of other considerations have been put forward, including as part of an Economic Impact Assessment² (EIA). This demonstrates, amongst other things, that the development would result in socio-economic benefits through the construction phase as a result of construction jobs. The Council also does not dispute the development would result in 12 additional jobs and the retention of two jobs, evidence of which is set out within the EIA.
14. The Council's officer report further identifies support for the development from the Council's regeneration officer, noting it would bring significant economic benefits, including the creation of jobs on site. I note the findings of the previous Inspector and that moderate weight in favour of the proposal was considered. In this instance, the increase in jobs would be triple the previous scheme, such that I attach considerable weight given the additional jobs that would be created.
15. The EIA also identifies that High Peak residents commute further distances for work than the East Midlands average and England as a whole. The proposed scheme would create jobs within the local area to which I attach moderate weight.
16. In reducing the need to travel further distances for work, there would likely be some environmental benefits. Given the lack of evidence in this regard, I can, therefore only attribute this argument limited weight.
17. There would be increased spend within the local economy and an increase in income tax and national insurance contributions which would also be of benefit in socio-economic terms. This would accord with paragraph 85 of the Framework, which advises significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
18. As identified by the previous Inspector and not disputed by the Council, the scheme would increase industrial space in the Council area. The appellant has sought to point out that there is also a significant shortfall in allocations throughout the borough for employment allocations. In contrast, the Council have stated sufficient land has been allocated for employment purposes under Policy EP4 of the Chapel-en-le-Frith Parish Neighbourhood Development Plan (NP). However, there is limited evidence before me to demonstrate progress or current availability of these sites that is advanced sufficiently by either main party. Given the lack of evidence in this regard, I can therefore attribute this argument limited weight.
19. Both parties have drawn my attention to appeals allowed³ within the Green Belt. I do not have the full details of these schemes, but they do appear to raise additional issues for consideration and are also of a far greater scale. Whilst there appear to be some similarities, such as the development types and their locations in Green Belts, I do not consider the examples directly comparable to the scheme before me, which I have assessed on its own merits. As such, I attach little weight to these decisions.

² Economic Impact Assessment² prepared by WSP dated: 09.22

³ APP/H4315/V/20/3265899, APP/M1005/W/20/3265602 and APP/V4250/V/20/3253242

20. A lack of harm in terms of impact on landscape character, design, highways impact, flood risk/drainage, ecological impact, air quality or noise are not positive considerations but neutral in the balance. Similarly, letters submitted in support of the development are also neutral in the balance.

Other Matters

21. I have considered the Council's argument that the appeal site has been extended as a result of incremental additions supported by the economic benefits. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
22. There is no substantive evidence before me to conclude the development would result in a significant number of additional motor vehicles, unacceptable highway safety issues or detrimental noise nuisance. This would match with the findings of the Council's officer report on these matters.

Green Belt balance

23. Paragraph 153 of the Framework requires that substantial weight is given to any harm to the Green Belt together with any other harm from the proposal. As per the Framework, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. LP EQ4 reflects the approach towards protecting the Green Belt set out in the Framework.
24. The proposal is agreed to be inappropriate development which is, by definition, harmful to the Green Belt. Moreover, I have found that the proposal would lead to very limited harm to the openness of the Green Belt but that these are the only harms arising. As per paragraph 153 of the Framework, these attract substantial weight against the proposal.
25. Against the above harms, I must weigh the above benefits of the proposal. The socio-economic benefits of the proposal in terms of the expansion of the business, potential for additional jobs, and associated socio-economic impacts of this would weigh significantly in favour of the scheme. The proposal would also see an increase in industrial space in the Council area and provide jobs without needing to travel outside the borough.
26. As a result of jobs within the borough area, there are likely to be some very minor environmental benefits through a reduction in car travel. Additionally, I attach limited weight to the lack of availability of alternative sites for the reason set out. Overall, in my view, I consider that collectively the other considerations in this particular case are of considerable weight.
27. In these specific circumstances, I consider that the harm to the Green Belt is clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development exist. The proposal would therefore accord with LP Policy EQ4 and the Green Belt aims of the Framework which support development in such circumstances.

Conditions

28. The Council have suggested that 13 conditions be imposed, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly combined and modified the wording or form of certain conditions without altering their fundamental aims. Where pre-commencement conditions have been imposed these have been agreed by the appellant.
29. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. To protect the character and appearance of the area, it is also necessary to impose a condition requiring details of the external surfaces of the development and have these approved by the Council.
30. A landscaping condition is necessary in order to ensure the proposed landscaping is improved and completed and maintained. A condition related to times of construction is required to protect the amenity of the surrounding area.
31. On the basis of the scale and nature of the development, it is appropriate to restrict the use of the site to that applied for. This is in the interests of residential amenity and highway safety so that any effects of alternative uses can be considered in greater detail. Also, in the interests of highway safety and neighbouring amenity, a condition is necessary to ensure the preparation of a Construction Transport Management Plan. This condition must be pre-commencement so that it covers the whole development process.
32. To provide a satisfactory standard of development, details of proposed foul and surface water drainage are also necessary prior to development commencing. Similarly, to provide a satisfactory standard of development, a condition on atmospheric pollution control measures is necessary.
33. The appellant has stated that ground gas compliance was completed as part of the work on the existing building. However, there is no substantive evidence before me to demonstrate this. As such, I have included a condition requiring ground gas measures to be provided to and approved by the Council in the interest of safety. For the same reason, a condition is also required in relation to unexpected contamination.
34. The Council are seeking a condition to restrict delivery hours. From the evidence before me, there are no existing restrictions on the warehouse. Moreover, there is no substantive evidence to demonstrate there is any ongoing noise or other nuisances associated with business deliveries. Therefore, I do not find it necessary to attach a condition restricting deliveries.

Conclusion

35. For the reasons given above, the proposal is allowed.

A Hickey

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 679-EX.1.01 Rev A, 679-PL.1.02 Rev B, 679-PL.1.03 Rev B and 679-PL.2.01 Rev B.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include:
 - a) A programme for carrying out of the works and methods and phasing of construction works;
 - b) Construction work shall only take place in accordance with the approved method statement;
 - c) The parking of vehicles of site operatives and visitors;
 - d) The arrangements for deliveries associated with all construction work;
 - e) Loading and unloading of plant, machinery, and materials and access and egress;
 - f) Storage of plant and materials used in constructing the development
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/disposing of waste, resulting from construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until a scheme for the disposal of foul and surface waters from the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separately from foul water. The surface water drainage scheme should be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, and include details of how the scheme shall be managed after completion. The development shall be completed, maintained and managed in accordance with the approved details.
- 5) No foundation works shall be commenced until a report detailing ground gas protection measures has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the agreed plan.
- 6) No development above slab level shall commence until details of the materials to be used in the construction of all external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development above slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

The scheme of Soft and Hard Landscaping works shall be implemented in full accordance with the approved details and timetable. If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of a similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

- 8) Demolition or construction works shall take place only between 07.30 – 18.00 on Monday to Friday, 08.30 – 14.00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 9) If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the local planning authority.
- 10) No discharges to atmosphere of any gaseous or particulate matter shall take place, arising from the operation of any process or plant from the extension hereby approved, unless in accordance with a scheme of atmospheric pollution control measures to first be submitted to the local planning authority. The agreed atmospheric pollution control measures shall be completed, maintained and managed in accordance with the approved details.
- 11) The premises shall be used for Use Class B2 (General industrial) and B8 (Storage or distribution) and for no other purpose without a grant of planning permission.

End