



Appeal Decision

Site visit made on 23 January 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/C3430/W/23/3326541

Saunders Brothers Salvage, Prestwood Drive, Stourton DY7 5QT

- 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 Robert Saunders against the decision of South Staffordshire District Council.
 - The application Ref 22/00727/FUL, dated 23 July 2022, was refused by notice dated 26 January 2023.
 - The development is the siting of 31 containers for self-storage.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of 31 containers for self-storage at Saunders Brothers Salvage, Prestwood Drive, Stourton DY7 5QT in accordance with the terms of the application, Ref 22/00727/FUL, dated 23 July 2022, and plan nos. WHB-SA[20]0001 P00, WHB-SA[20]0002 P00 and WHB-MA[20]0001 P00 submitted with it, subject to the following conditions:
 - 1) Details of any external lighting at the site required in connection with the containers shall be submitted to and approved in writing by the local planning authority before it is installed. Development shall be carried out in accordance with the approved details.
 - 2) Within three months of the date of this permission, a landscaping scheme, including further treatment around the access drive, shall be submitted to and approved in writing by the local planning authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of the scheme; and any trees or plants which within a period of 5 years from the first planting season die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. The application was submitted on a retrospective basis, and I saw at my site visit that there were 31 containers on site. I have therefore considered the appeal on a retrospective basis.

Main Issues

3. The main issues are:

- whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policies; and
- the effect on the setting of the Stourbridge Canal Conservation Area (SCCA).

Reasons

Green Belt

4. Policy GB1 of the South Staffordshire Core Strategy states that development considered acceptable under national policy will normally be permitted. It then sets out a number of such types of development, including the material change of use of land where there would be no material effect on the openness of the Green Belt. This is consistent with the Framework.
5. The 31 containers are mostly positioned along the eastern boundary of the site and rest on a hardstanding base. The appellant has provided images to demonstrate that this part of the appeal site was previously used for the storage of vehicles, including lorries, to be dismantled, as currently takes place across the remainder of the site.
6. Individual vehicles, including lorries, would not have been permanently positioned in this part of the site and hence the impact on openness here would have been changeable. The containers, although not permanent structures themselves, would most likely be more stationary and so have a more consistent impact on openness. Nonetheless, taken as a whole, it is likely there would be little material difference between the scale of the vehicles that could have been sited here previously and that of the containers currently on site.
7. From Prestwood Drive, the only view of the containers is through the vehicle access, and here it is partly screened by some new tree planting and the legs of a large electric pylon. Additional planting could be secured by condition to bolster this.
8. Along the east boundary of the site there is a pallisade fence supplemented with green coloured netting. A combination of this boundary treatment, the trees and bushes on the verge between the canal towpath and the site, and the elevated nature of the site above the towpath means there are no clear views of the containers from this side of the canal.
9. There is a public footpath that flanks the opposite side of the canal, but at a higher level; similar to the level of the appeal site. From here, and from the bridge across the canal, glimpsed views above the fencing, of the top of some of the containers is possible. However it is likely that vehicles previously stored in these same areas would have been similarly visible from these positions too.
10. As such, due to the comparable scale overall of the containers with the vehicles previously stored here, I consider the use of the land for container storage has no materially greater effect on the openness of the Green Belt than that which would have occurred previously. Therefore the openness of the Green Belt is preserved.

11. Moreover, as the development involves the re-use of part of an existing industrial site, there would be no encroachment into the countryside. It has not been suggested to me that the development conflicts with any of the other purposes of the Green Belt listed in paragraph 143 of the Framework, and I have no reason to disagree.
12. Consequently the development is not inappropriate in the Green Belt. It therefore accords with policy GB1 and the Framework as set out above.

Character and appearance

13. The SCCA mainly includes just the canal and its verges. Although I have no conservation appraisal before me, it is likely that its significance stems from its industrial past, though its use today as a largely recreational route adds a different aspect to its significance. The land to either side of the canal is mostly rural in character with a few small commercial uses. This mix of commercial and rural land uses contributes to the setting of the SCCA and complements its significance.
14. The existing industrial use of the appeal site contributes to the character of the SCCA's setting. The continued use of the site for commercial purposes sustains this effect, so the glimpsed views of the containers from the SCCA does not detract from its setting. As such, the significance of the SCCA is preserved. The development therefore accords with Core Strategy policy EQ3 which seeks to ensure the conservation of the District's historic environment.

Other matters

15. Although not expressed as a reason for refusal, the committee report identifies that, to support the spatial strategy, growth should be focussed towards existing settlements. The appeal site is detached from any settlement. However as the development involves the re-use of an existing commercial property there is no spatial growth and the settlement pattern of the District is retained.
16. Similarly conflict with Core Strategy policy EV5, which relates to rural employment, is cited in the committee report but not identified as a reason for refusal. Whilst there may be conflict with some parts of policy EV5 which requires a business case to be provided; for the use to represent a re-use of an existing building; and for it to be demonstrated that the business couldn't be located within a village, I give limited weight to that conflict. This is because the development is a small scale addition to the appellant's existing salvage operation which requires no additional staff or land. Moreover, Core Policy 7 of the Core Strategy seeks to sustain, among other things, small scale employment development in rural areas.
17. Concern was raised by the Council's Flood Risk Management Team. However I agree with the conclusions of the appellant's drainage strategy that the stationing of the storage containers would be little different to the stationing of vehicles on this part of the site in terms of the impact on surface water. Additionally, the topography of the site is such that any surface water which does not infiltrate into the existing semi permeable granular surface, will run-off towards the centre of the site, away from the canal, where it discharges into a soakaway.

Conditions

18. Where necessary, and in the interests of clarity and precision, I have altered the recommended conditions to more closely reflect the advice in the Framework and the national Planning Practice Guidance.
19. I have included conditions relating to any additional external lighting and the provision of a landscaping scheme in order to protect the character and appearance of the Green Belt.
20. There is no need to impose a condition specifying the number of containers given the terms of the decision precisely defines the number of containers permitted. Likewise, the approved plans are included within the terms of my decision.
21. I also consider there to be no need to withdraw permitted development rights for forms of enclosure given that those that are already in place are comprehensive and if any additional such works are necessary, it is unlikely that would be harmful to the Green Belt.
22. A condition limiting operational hours each day was suggested by a neighbouring resident. However I understand the salvage use is unrestricted in terms of its operating hours, and it is unlikely that the self-storage use would be any more disruptive in terms of causing unacceptable noise or disturbance at night, than that use. It is also material that there are no dwellings in close proximity to the development. Moreover, I noted that the sign on the gates to the appeal site states that the site is not open on Sundays and not later than 5pm on other days. As such it is unlikely, in practice, that a condition would be necessary.

Conclusion

23. The development accords with the development plan as a whole and there are no other considerations that suggest a decision other than in accordance with that. For that reason, and taking account of all other considerations, the appeal is allowed.

A Owen

INSPECTOR