



PLANNING STATEMENT

**CONSTRUCTION OF DETACHED BLOCK OF 7 INDUSTRIAL UNITS (CLASSES B2 AND B8)
INCLUDING SURRENDER OF EXTANT PERMISSION FOR DETACHED BUILDING**

TO YOUR HOME LTD, MANCHESTER ROAD, MILLHOUSE GREEN, S36 9LQ

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1. INTRODUCTION

This statement has been prepared to support the submission of an application for full planning permission for the construction of a detached block of small industrial units to the rear of an existing commercial facility.

The proposal is intended to provide facilities for small businesses and start-up companies who are in need of small units in the area.

The proposal includes the surrender of an extant permission for a detached building within the site, a matter which could be controlled by a suitably worded legal agreement. The extant permission would result in a larger amount of built form when compared to the current proposal. The extant permission should be considered as the “fallback” position.

It is fully acknowledged that in technical terms the proposal constitutes inappropriate development within the Green Belt. However, and with reference to the “fallback” position, it will be demonstrated that the proposal would result in clear benefits to openness by comparison. It is therefore clear that very special circumstances exist in this case which ensure that the proposal should be deemed acceptable.

This statement should be read in conjunction with the supporting plans which demonstrate the credentials of the scheme in more detail.

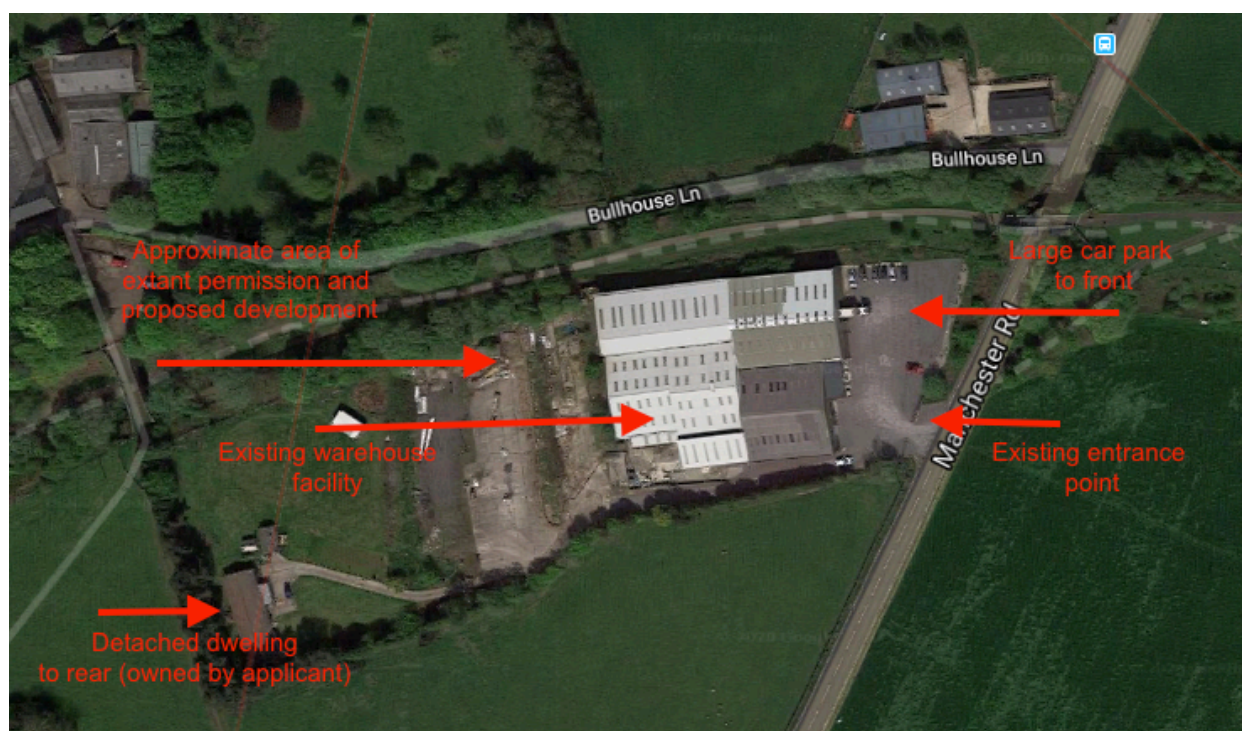
This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that whilst the proposal is technically inappropriate development in the Green Belt, very special circumstances exist to justify the development. It will also be demonstrated that the proposal would not result in any other harm other than its technical definition as inappropriate development. Finally, the conclusion is reached that planning permission should be granted for the proposed development.

2. THE SITE

The application site consists of a large commercial facility located off Manchester Road, Millhouse Green.

Vehicular and pedestrian access to the site is obtained directly off Manchester Road and the facility benefits from a large car parking area to the front. A driveway runs down the side of the main building and leads to a servicing area at the rear.

Deeper within the site is a detached dwelling which is owned by the Applicant.



The whole of the site is within an allocated Green Belt. The site is located in a mixed use area containing residential properties and agricultural land. The host building is of industrial/ commercial appearance.

3. THE PROPOSAL AND PLANNING HISTORY

Full planning permission is sought for the construction of a detached block of 7 small industrial units. The units would be aimed at start-up and small businesses in the area who need relatively low cost commercial space.

The proposed block would be situated to the rear of the existing main building and a proportionate service yard and parking area would be created. The proposed block would cover an area of approximately 759m² and each unit would be equally sized. The proposed volume of the block would be 5810m³.

A relatively simple design solution would be employed involving a dual- pitched roof. The primary external material would be grey steel sheeting.

The proposal includes the surrender of an extant permission for a large building to the rear of the existing warehouse. This matter would need to be controlled via a legal agreement. The extant scheme measures 798m² with a volume of 6468m³. The extant scheme is therefore materially larger than the current proposal.

Full details are set out in the submitted plans.

There is an extensive planning history for the site, with the following considered of direct relevance to the current proposal:

- 2017/0474 - Formation of additional office space within the existing warehouse and alteration of the existing elevations - Approved 15.06.2017;
- B/96/1152/PU - Erection of workshop and office extension to premises - Approved 21.04.1997.

The 1997 permission is of particular importance as that permission is partially implemented. The approved office element has been built out and the retaining walls for the workshop are in situ. The site owner could, therefore, complete the rest of the build at any point in time.

4. ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Local Plan (adopted January 2019). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) 2018 and the suite of documents comprising National Planning Practice Guidance (NPPG).

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

Paragraph 8 states that *“achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective—to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural*

resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Paragraph 10 states that *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”*

Paragraph 11 goes on to set out that *“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

approving development proposals that accord with an up-to-date development plan without delay; or...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:

- 1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or*
- 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Paragraph 38 states that *“Local planning authorities should approach decisions on proposed development in a positive and creative way.”*

Chapter 6 is concerned with the promotion of economic growth and encourages LPA's to adopt a positive approach to schemes which would result in job creation. In particular, paragraph 83 states:

“Planning policies and decisions should enable...the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”.

Paragraph 109 states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Paragraph 127 states that *“decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Chapter 13 of the NPPF is particularly relevant to the application as it discussed the protection of Green Belt Land.

Paragraph 134 states that *“Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

Paragraph 143 states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraphs 145 and 146 establish ‘closed lists’ of types of development that are not inappropriate in the Green Belt.

Paragraph 148 states that *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 155 goes on to state Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).”*

Paragraph 175 states that *“...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”*

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Local

The application site is within an allocated Green Belt. The site is otherwise unallocated. The following development plan policies are therefore considered of relevance to the scheme:

- SD1 - Presumption in favour of Sustainable Development
- GD1 - General Development
- E1 - Providing Strategic Employment Locations

- E3 - Uses on employment land
- E6 - Rural Economy
- T3 – New development and Sustainable Travel
- T4 – New Development and Transport Safety
- D1 – High Quality Design and Place Making
- LC1 - Landscape Character
- BI01 – Biodiversity and Geodiversity
- GB1 - Protection of Green Belt

5. ASSESSMENT

Principle

The proposal would result in the growth of an existing commercial site within a sustainable location. The National Planning Policy Framework states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The proposal is intended to provide a base for small businesses in the area at an affordable rate. It would also help diversify the income stream at the site. As such, it is considered that the proposal would make a positive contribution to economic growth and this matter should be afforded significant planning weight.

The site is in a relatively rural location and the scheme would assist in promoting economic growth in rural areas, in accordance with policy E6 and the relevant NPPF guidance.

The proposal would be wholly sustainable using the definition set out in the NPPF for the following reasons:

Social: The proposal would provide job creation in the area and would subsequently support other local services. The proposal would add to the sense of vibrancy and vitality in this relatively rural area.

Economic: The proposal would allow and cater for the formation of a new business with associated job creation. The proposal would also have significant benefits for the vitality of the area and would provide a significant boost to the locality and the existing business.

Environmental: The proposed physical works have been designed to ensure they are compatible with the character of the site and surrounding area. There would be no adverse environmental impacts arising from the scheme.

It will be set out below that the scheme also satisfies relevant Green Belt policy. The principle of development must therefore be considered acceptable.

Green Belt

The proposed development does not fall within any of the development types excluded from the definition of inappropriate development within the Green Belt. It is therefore incumbent on the applicant to demonstrate very special circumstances to justify the proposal.

Before turning to the issue of very special circumstances it is considered important to note that the proposed scheme would result in no other harm other than by technical definition as inappropriate development.

The NPPF makes it clear that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

In this case it is considered clear that very special circumstances do exist to justify the proposal:

- The Applicant is determined to increase the amount of built form within the site and to diversify their existing business operations. This is clearly evidenced via this application.
- The site benefits from an extant permission (B/96/1152/PU) for a larger amount of built form than currently proposed. The extant permission, if constructed, would allow the Applicant to expand the amount of floor space within the site and ultimately sub-let spaces to tenants.
- The extant permission is not the Applicant's preferred option but would certainly pursue this route if forced to do so. The fallback option is guaranteed to come forwards if planning permission cannot be obtained for the current proposal.
- The current proposal is approximately 660m³ smaller than the extant permission.
- This larger, extant permission option should be treated as the "fallback" position and would have a materially greater impact on Green Belt openness than the scheme currently applied for.
- The Applicant is prepared to surrender their extant permission in the event that planning permission is granted for the current proposal. This matter can be adequately controlled via legal agreement.

The courts have consistently held (most prominently in *Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314*) that the “fallback” position can be an important material consideration in the determination of planning application. In addition, it is widely accepted that the “fallback” position should be afforded more weight if there is a realistic prospect of it coming into being. In this case it is abundantly clear that the applicant would have no alternative but to pursue the extant permission in the event that the current application were refused. It is therefore considered clear that the LPA should afford significant weight to the “fallback” position.

In the case of Mansell, the LPA had granted planning permission in this case for the demolition of an existing agricultural barn and of a bungalow on the application site and to construct four detached dwellings, with garages and gardens. The LPA concluded that, in practical terms, the permitted development rights under Class Q meant that the existing agricultural barn could be converted into three residential units up to a limit of 450 sq m. Furthermore, the existing bungalow within the site could be replaced in accordance with an adopted policy in the Local Plan with a new residential building, provided that it was not materially larger than the existing building. The LPA concluded that this provided a realistic fallback position in terms of how the site could be developed. This position was challenged in the courts by a local objector.

The courts concluded that the LPA was entitled to conclude that there was a “realistic” fallback. There was a clear intention to develop the site and it was deemed unrealistic to imagine that were all such proposals to be turned down the owner of the site would not take advantage of the permitted development provided for by Class Q to the fullest extent possible. It was not even a precondition to the LPA’s consideration of the fall back option that the owner had made an application indicating an intention to take advantage of Class Q. The officer was entitled to have regard to the planning history which was within his knowledge, and the obvious preference of the owners to make the most valuable use it could of the site.

The current application is even more clear cut than the case of Mansell as there is already an extant permission in place.

To conclude it is considered clear that the proposed development constitutes inappropriate development within the Green Belt. However, and with reference to the “fallback” position, it is considered clear that very special circumstances exist in this case which outweigh the inherent harm

caused by inappropriate development. It is therefore considered that the proposal accords with adopted planning policy and guidance relating to development within the Green Belt.

Highways

The application is accompanied by a detailed Highways Statement (Paragon Highways) which demonstrates that the scheme would not have an adverse impact on highways safety or efficiency. Adequate parking and servicing areas are provided within the site. There is therefore no policy conflict in this regard.

Design/ Visual Impact

The proposed building would be set to the rear of the existing built form and will not therefore be highly visible from the public grounds. The building will be a traditional commercial appearance and the LPA could exercise for control of the appropriate use of external materials.

Scheme would be wholly in keeping with the existing commercial character of the site would have no significant impact on the character of the site or the surrounding area. There is therefore no policy conflict in this regard.

Neighbouring Amenity

The existing dwelling to the rear of the site is owned and occupied by the Applicant. There are no other residential properties in close proximity to the site and the scheme would therefore have no significant impact terms of overlooking, overshadowing or oppressiveness. Similarly, the location of the site would ensure that there would be no significant increase in noise or disturbance at any neighbouring property. There would therefore be no policy conflict in this regard.

6. CONCLUSION

The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above. Whilst the proposal can be technically classed as an inappropriate form of development within the Green Belt, very special circumstances exist which clearly outweigh the relatively limited harm.

The proposal would allow for economic investment and growth in the area without resulting in any unacceptable impact.

The proposal would sufficiently accord with adopted planning policy and guidance and the LPA are respectfully urged to grant permission for the scheme.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

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JR Planning