The Planning Inspectorate

Appeal Decision

Site visit made on 9 May 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Appeal Ref: APP/R4408/W/23/3314842
Langsett Flouch Car Park, Langsett SE36 4AA

- 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 Yorkshire Water against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2022/0660, dated 21 June 2022, was refused by notice dated 27 September 2022.
- The development proposed is described as the '*installation of a payment machine, ANPR camera and solar panel, battery box, and associated signs and infrastructure'*.

Decision

1. The appeal is allowed and planning permission is granted for installation of a payment machine, ANPR camera and solar panel, battery box, and associated signs and infrastructure at Langsett Flouch Car Park, Langsett SE36 4AA in accordance with the terms of the application, Ref 2022/0660, dated 21 June 2022, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Langsett Flouch (70088027-YORKSHIREWATER-003 REVP01), Proposed Site Layout – Langsett Flouch (70088027-YORKSHIREWATER-004 REVP01), R50IQ pole mount Dims, Front Pin, CITEA Pin overall dimensions and CITEA PIN alphan. Tastatur iUC150B.

Main Issues

2. The main issues are:

   - whether or not the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
   - the effect of the development 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 so as to amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development

3. The appeal site accommodates a gravel and tarmac car park associated with the nearby Langsett, Midhope and Underbank Reservoirs and falls within land defined as Green Belt, to which the Framework, in Section 13, attaches great importance. Policy GB1 of the Barnsley Local Plan (2019) sets out that the Green Belt, as shown on the policies map will be protected from inappropriate development in accordance with national planning policy.

4. Inappropriate development is, by definition, harmful to the Green Belt and Paragraph 149 of the Framework establishes that the construction of new buildings is inappropriate, subject to a number of exceptions. The glossary in the Framework does not describe what is meant as a 'building', however the term is defined in Section 336 of the Town and Country Planning Act 1990 to include any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. While noting that section 336 defines what a building is for the purposes of the 1990 Act and not the Framework, in this case, the definition is a reasonable approach and as such the proposed structures of the appeal scheme are regarded as buildings.

5. It is not disputed that the site provides an important role in facilitating access to the recreational resources at the nearby reservoirs. The appellant maintains that, as the appeal site is used by walkers in connection with outdoor recreational activity, the proposal falls within the exemption at Framework Paragraph 149 b) relating to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation. The Council conclude that none of the exceptions in the Framework apply.

6. The use of the land at the appeal site is as a car park which, in this case, happens to be related to outdoor recreation activity at the reservoirs. The appeal site is not in use as outdoor recreation and the proposal is not for a development that would, by its very nature, involve or include outdoor recreational activity facilities. The proposal does not represent outdoor recreation in its own right, and therefore does not fall within the exception provided in Paragraph 149 b). Accordingly, the appeal scheme is inappropriate development in the Green Belt, which is, by definition, harmful.

Openness

7. Openness is an essential characteristic of the Green Belt that is capable, as a matter of judgement, of having spatial as well as visual aspects. The proposal would introduce development onto the existing gravelled and tarmac car park. It would be seen within the context of the existing car park, including information signs and the metal entrance gates. The proposed structures are modest in scale, with a slender form and despite the range of heights, would be largely screened by established vegetation from passing views from the A616. The structures would therefore sit unobtrusively within the carpark.

8. Nevertheless, the proposal would result in a small increase in development at the site and having regard to the materials of the proposed structures and the height of the camera pole it would have an urbanising effect on the locality. The appeal scheme would therefore have a limited harmful impact on the

Green Belt's openness, contrary to the Green Belt purpose of limiting the encroachment of development into the countryside.

Other Considerations

9. The appellant has set out in their submissions that the appeal scheme is required in order to allow the proper management of their car parking facilities in the wider area which jointly facilitate access to the reservoirs. The use of a warden was considered but was not found to be financially viable or offer the same degree of security for users. While it may be that the appeal scheme is not essential for the function of the car park, the decision has been made by the appellant to introduce charging at the appeal site and Langsett Barn car park, for which the necessary permission has been secured. Without the appeal scheme and were the appeal site car park to remain free, it would result in increased pressures at the appeal site from those who may ordinarily park at the Langsett Barn car park. While some visitors may well be content to pay the charge at Langsett Barn, given the short distance between the two car parks, there seems to me a strong prospect that many would choose to park for free at the appeal site.

10. The reservoirs are a popular destination as a key visitor attraction by the local community and those travelling from further away and the car parks are said to be well used. As such, the resultant additional parking pressures at the appeal site would be of such a volume that there is a high possibility of indiscriminate parking on the A616 to the extent that there would be an unacceptable impact on highway safety, to which I attach considerable weight. In coming to this view, I have taken into account that the A616 is a national speed limit road and that the appeal site is located close to a roundabout, at a point where motorists would be accelerating as they exit the roundabout. I also observed the grass verges in this section of the A616 to be relatively narrow and to include a footpath running alongside it. Indiscriminate parking would therefore pose a risk to motorists travelling on the A616, those parking on the grass verges and pedestrians using the footpath.

11. It is also indicated that the revenue from the scheme is required to maintain the car park and ensure safe and secure access to it. This attracts modest weight, as does the use of revenue to assist with the future operation of the Yorkshire Water recreational estate, including managing anti-social behaviour through fly tipping and contributing to an enhanced Ranger service. Moreover, information from the APNR camera would be used to assist Yorkshire Water's understanding of visitor numbers and wider car park management. These are also modest benefits of the scheme.

Other Matters

12. Concerns have been raised by interested parties which I have considered carefully. It is suggested that the introduction of charging would have serious detrimental consequences for the Langsett area and would result in visitors seeking alternative parking on the A616 and on other local roads. It is indicated that this poses a risk to public safety, would affect the viability of local businesses and have a detrimental effect on the local environment.

13. I note the example provided of the displacement effects when the appeal site car park and others in the area were closed during the Coronavirus Pandemic. However, there is no clear evidence to quantify the extent of any displacement

arising from the scheme and to what extent the appeal scheme would add to any existing issues, and whether this would adversely affect highway safety or have a severe impact on the highway network. While some visitors may choose to avoid paying the charge, it is not inevitable that all visitors will seek alternative parking to avoid payment. Accordingly, any displacement parking from the introduction of charging is unlikely to be as acute as the example given when all visitors had no choice but to find alternative parking, or if the appeal site remained the only free car park in the locality, as discussed above. Moreover, I note that National Highways who manage the A616 have not objected to the proposal. This matter therefore attracts limited weight.

14. While I acknowledge interested parties' frustrations with the principle of charges being made for car parking and the costs of the proposed rates, the operational decision by Yorkshire Water falls outside the scope of this appeal and is a neutral matter in the determination of the scheme. Similarly, a number of residents have expressed frustrations with the appellant's approach to the case, however this has not affected my consideration of the planning merits of the proposal.

Conditions

15. In addition to the standard condition that limits the commencement of the planning permission it is necessary to impose a condition identifying the approved plans for clarity.

Green Belt Balance and Conclusion

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that 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.

17. The other considerations in this case clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness, that I have identified. Consequently, the very special circumstances necessary to justify the development exist.

18. The application of policies in the Framework that protect areas of particular importance does not provide a clear reason for refusing the development proposed. It therefore also benefits from the presumption in favour of sustainable development as set out in Paragraph 11 c) of the Framework.

19. For the reasons set out above, the proposal would accord with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with the plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

F Harrison

INSPECTOR