STATEMENT OF CASE

Appeal against the refusal of application reference PL/2023/07051 for the siting of 7 No. shipping containers to provide storage for existing transport yard

Boyes Transport Yard
B3092
Zeals
BA12 6LJ

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RTPI
mediation of space · making of place

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1. Introduction

1.1 This statement has been prepared by Lydia Dunne BA(Hons) MSc Urban Planning MRTPI of Whiteacre Planning Ltd in support of an Appeal by Boyes Transport Ltd ('the Appellant') under Section 70(a) of the Town and Country Planning Act 1990 (as amended) against Wiltshire Council's ('the LPA') refusal of an application for the siting of 7 No. shipping containers to provide storage for the existing transport yard at Boyes Transport Yard, Zeals.

1.2 The LPA's Reason for Refusal is as follows:

> 1. This proposal pursuant to the siting of the 7 storage containers within the Cranborne Chase National Landscape is an unacceptable and harmful development by virtue of its visual presence and industrial appearance which neither conserves or enhances the setting or character of the highly protected environment, contrary to Core Policy 51 of the adopted Wiltshire Core Strategy, Paragraphs 180 and 182 of the NPPF and the principles enshrined in The Cranborne Chase Partnership Management Plan. The Council is also not satisfied with the level of supporting information and justification in regards to the containers' use.

1.3 This statement considers the reason for refusal and sets out to the Inspector the appellant's case as to why planning permission should be granted.

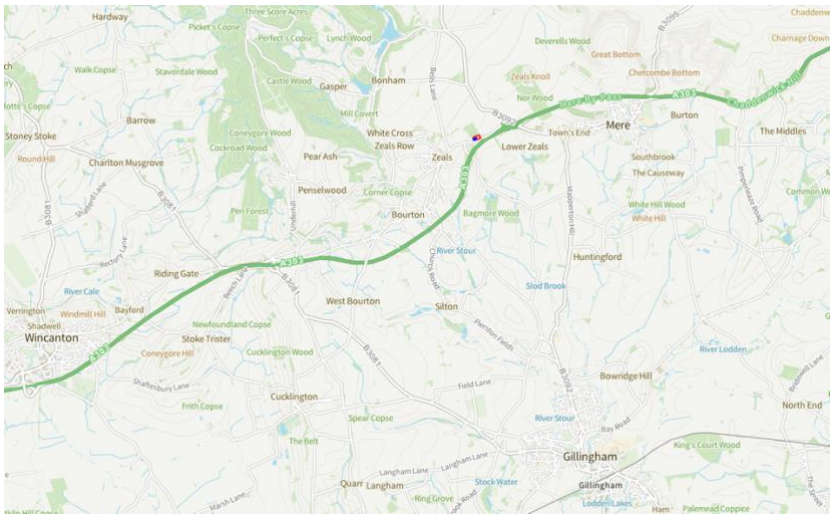
1.4 It will be demonstrated, with reference to the National Planning Policy Framework and the three pillars of sustainable development, that the proposed development represents a sustainable form of development. The pros and cons of the scheme will also be examined in detail to demonstrate that, on balance, the benefits of the proposed development outweigh any adverse impacts – particularly those on the National Landscape.

1.5 This statement should be read in conjunction with the following accompanying documents:

- Appeal forms
- Application documents

2. Appeal site and surroundings

2.1 The site is located just off the A303 on the eastern edge of Zeals, approximately 6km north of Gillingham.



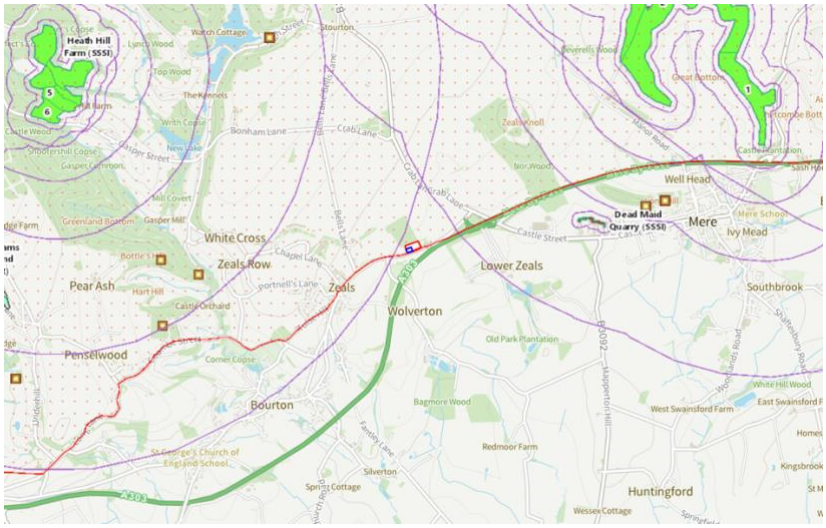
Magic Maps view of the site in relation the nearby settlements

2.2 Boyes Transport Yard consists of a 0.5 hectare lorry trailer parking site. The site is located between 2 other existing commercial sites: C&G Tarmac Surfacing to the west and Leapfrogs Nursery to the east.



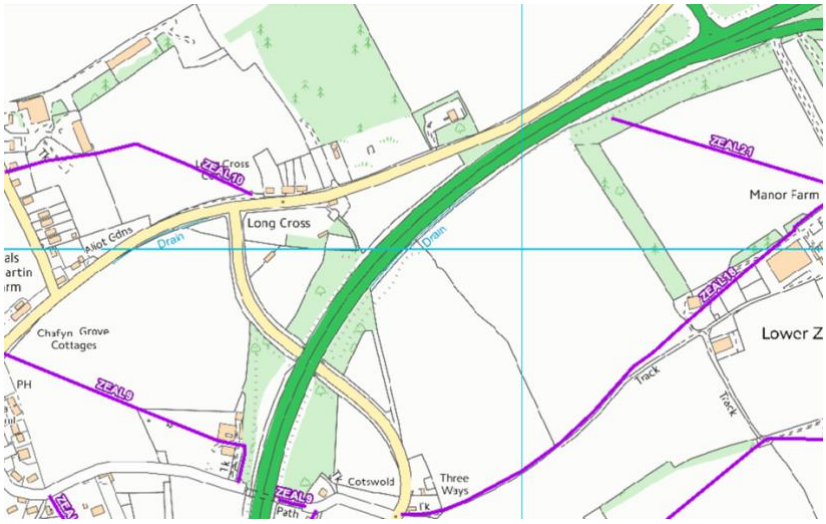
Google Earth site boundary (in red)

2.3 The site is located on the edge of the Cranborne Chase Area of Outstanding Natural Beauty, as shown below. There are no other special designations which apply to the site.



Magic Maps view of the site in relation the nearby statutory designations

2.4 There is an extensive network of footpaths in the vicinity of the site, however, the nearest footpaths ZEAL10 and ZEAL21 are approximately 200m to the west and east respectively.



Wiltshire Council Public Rights of Way Interactive Map

2.5 The site is within Flood Zone 1 where there is a very low probability of flooding and where there are no restrictions on development on flooding grounds.



Flood Map for Planning

3. Appeal proposal

3.1 This proposal seeks full planning permission for the siting of 7 shipping containers to provide storage.

3.2 These containers are crucial for the operation of the business. They are required for the following:

- 1 12m x 2.4m container for carrying out MOTs (loaded onto trailer for MOT test)
- 2 6m x 2.4m containers for carrying out MOTs (loaded onto trailer for MOT test)
- 2 12m x 2.4m containers to store tyres
- 2 12m x 2.4m containers to store parts

3.3 All containers would be painted Moorland Green RAL 1006020/BS12B2.

3.4 It is proposed to site the containers behind the roadside hedge on the southern boundary.

3.5 The building approved by application reference 2022/01499 is now complete and in use and all of the planting approved by both 20/04569/FUL and 2022/01499 has been carried out. This planting is now well-established and is providing much improved visual enclosure of the site.

3.6 It is proposed to relocate some of the car parking spaces for the lorry drivers to make room for the shipping containers. No additional parking is proposed.

4. Planning history

PL/2023/07051	Siting of 7 No. shipping containers to provide storage for existing transport yard. Refused.
PL/2023/00587	Discharge of Condition No 6 on PL/2022/01499 (Proposed 0.13 ha extension to existing 0.52 ha Boyes Transport Yard for use as a 60ft x 70ft (18.29m x 21.34m7.1m (h)) HGV and trailer workshop, new concrete yard, oil interceptor and landscaping, retaining max 15 car parking spaces and max 15 lorry and trailer parking spaces. Approved.
PL/2022/01499	Proposed 0.13 ha extension to existing 0.52 ha Boyes Transport Yard for use as a 60ft x 70ft (18.29m x 21.34m x 7.1m (h)) HGV and trailer workshop, new concrete yard, oil interceptor and landscaping, retaining max 15 car parking spaces and max 15 lorry and trailer parking spaces. Approved with Conditions.
20/04569/FUL	Continued use of Boyes existing Transport Yard (0.5 ha) for HGV tractor and trailer parking and soft landscaping (revise scheme). Approved.
20/04355/CLE	Coverage of 5,598 sqm of the 8,000 sqm site with hardcore in the summer of 2015 to create firm hardstanding for Boyes Transport (BT) and Grandstands Worldwide Ltd (GWL). Approved.
13/05423/FUL	Change of use to HGV Trailer Storage, form new vehicular and pedestrian access. Approved with Conditions.
S/2010/0784	CHANGE USE OF LAND FROM AGRICULTURAL TO HGV TRAILER STORAGE, FORM NEW VEHICULAR AND PEDESTRIAN ACCESS AND RELOCATION LAYBY. Refused.
S/2009/0014	CHANGE USE OF LAND FROM AGRICULTURAL TO HGV TRAILER STORAGE AND NEW

	VEHICULAR ACCESS AND RELOCATION OF LAYBY. Refused.
S/2007/1961	CHANGE OF USE FOR HGC TRAILER STORAGE AND PROVISION OF NEW ACCESS AND LAYING OUT OF 15 TRAILER SPACES AND NEW PERMEABLE SURFACE AND FENCING. Withdrawn.

5. Planning policy

National Planning Policy Framework 2023

Chapter 2	Achieving sustainable development
Chapter 6	Building a strong, competitive economy
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed and beautiful places
Chapter 15	Conserving and enhancing the natural environment

Wiltshire Adopted Core Strategy 2015

Core Policy 1	Settlement Strategy
Core Policy 2	Delivery Strategy
Core Policy 34	Additional Employment Land
Core Policy 35	Existing Employment Land
Core Policy 51	Landscape
Core Policy 57	Ensuring High Quality Design and Place Shaping
Core Policy 65	Movement of Goods

Other material considerations

Saved Local Plan Policy E19: Employment in the countryside (existing sites)

Cranborne Chase Partnership Plan (2019-2024)

National Planning Policy Guidance (NPPG)

6. Grounds of appeal

6.1 The starting point in the consideration of new development, as set out in the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. Paragraph 11 of the NPPF requires that a presumption in favour of sustainable development be applied and that development proposals that accord with an up-to-date development plan be approved without delay. This is echoed by Policy 41 of the Core Strategy.

6.2 As previously stated, the LPA's reason for refusal of application PL/2023/07051 was:

> 1. This proposal pursuant to the siting of the 7 storage containers within the Cranborne Chase National Landscape is an unacceptable and harmful development by virtue of its visual presence and industrial appearance which neither conserves or enhances the setting or character of the highly protected environment, contrary to Core Policy 51 of the adopted Wiltshire Core Strategy, Paragraphs 180 and 182 of the NPPF and the principles enshrined in The Cranborne Chase Partnership Management Plan. The Council is also not satisfied with the level of supporting information and justification in regards to the containers' use.

6.3 Therefore, the main issues to be considered are:

- Impact on the National Landscape
- Economic justification for the use of the containers

7. Visual and landscape impact

7.1 The site is located within the National Landscape. Chapter 15 of the National Planning Policy Framework (NPPF) sets out the planning approach to conserving and enhancing landscape and scenic beauty. Paragraph 182 requires 'great weight' to be given to conserving and enhancing landscape and scenic beauty.

7.2 Policy 51 of the adopted Local Plan sets out the LPA's approach to protecting, conserving and enhancing the District's landscapes. This policy requires proposals to 'protect, conserve and where possible enhance landscape character' and to avoid 'a harmful impact'.

7.3 The appeal site is on the edge of the National Landscape where the edge of the designated landscape area follows the line of the old A303 and was once an RAF airfield site during and just after the Second World War.

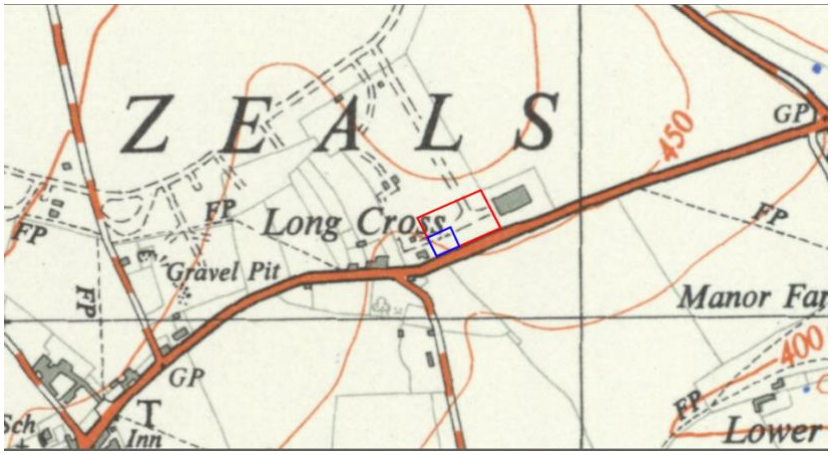


Source: Magic Maps plan showing extent of the National Landscape – site edged red

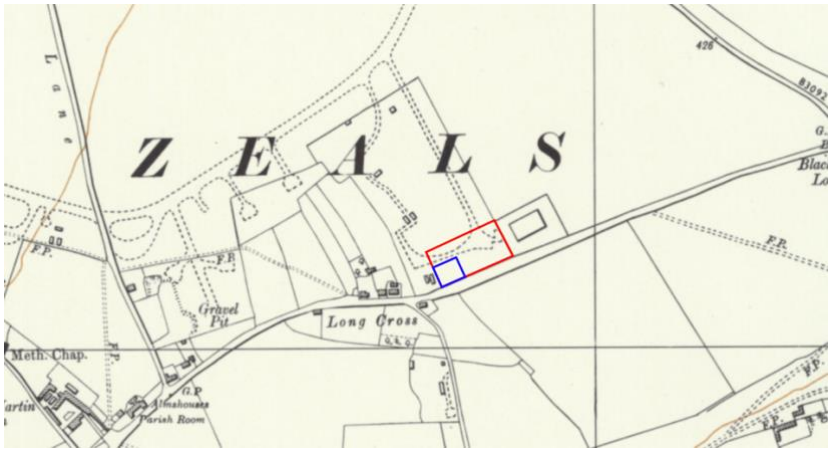
7.4 Permission was granted in 2015 reference 13/05423/FUL for the change of use of part of the site for HGV storage. Subsequently, permission was granted in 2020 and 2022 for the continued use of the site as a haulage yard, resurfacing and the erection of a workshop building.

7.5 The site is between 2 existing commercial sites both of which are in use: C&G Tarmac Surfacing and Leapfrogs Nursery.

7.6 Although within the designated area of the National Landscape, the site has not been of high quality landscape value for many years. The 1937 and 1949 OS maps shows the extent of the airfield and surrounding development.



OS 1937 map showing extent of WW2 airfield and surrounding development – site outlined in red



OS 1949 map showing extent of WW2 airfield and surrounding development – site outlined in red

7.7 The site is an existing industrial site which is in use as a haulage yard. The appellant has been working with the Council for some time now to minimise the visual impact of the site on the area whilst balancing the needs of the business.

7.8 The approved workshop has been constructed according to the plans, is sited sensitively and is coloured green. Similarly, all of the proposed planting approved by 20/04569/FUL and 2022/01499 has been undertaken and is now providing good screening.

7.9 It is proposed to site the containers on the southern boundary of the site. This would tuck them in behind the fence and planting on the lowest part of the site.

7.10 The containers would be of standard 40ft or 20ft size and each container would be 2.6 metres high. It is proposed to paint the containers green as shown on the plans.



Photograph showing existing native species planting on roadside boundary

7.11 It is proposed to locate the containers within the site on the north side of the roadside boundary. Here they would be obscured from sight from the road and any other vantage points by the existing hedging.

7.12 The adjacent site has 4 shipping containers. These are also sited on the southern boundary and are hidden by existing hedges.



Streetview of adjacent yard

7.13 Some of the parking spaces would be relocated and this would lessen any visual impact.

7.14 The siting of 7 shipping containers within the existing approved commercial site does not have any additional impact on the National Landscape. They would be well-screened by the existing planting and would not be comprise a visual presence within the National Landscape as suggested in the reason for refusal.

7.15 This might be the case if the site were a greenfield site, but the containers are to be sited within an existing haulage yard with planning permission. Therefore, the siting of the proposed containers would not adversely impact the National Landscape and the proposal therefore complies with Paragraph 182 and 183 of the NPPF and with Core Policy 51.

8. Economic and transport justification

8.1 Part of the Council's reason for refusal was that 'The Council is also not satisfied with the level of supporting information and justification in regards to the containers' use.'

8.2 The proposed containers are required to provide additional storage for items and equipment used in conjunction with the core commercial activity on the site. The approved workshop building is not big enough to provide for this.

8.3 It is mandatory for lorries to be checked at least every 6 weeks to ensure they are roadworthy and fit for the road. In this case each of the 15 lorries in Boyes fleet needs to be checked every 6 weeks which equates to about 9 HGV check-ups per year, per lorry. This is in addition to MOTs.

8.4 3 containers are required to use for MOTs; 2 are required for storing tyres; and 2 are required for storing parts. All of the items stored must be under cover/inside as many items are electrical or metail. Condition 10 of PL/2022/01499 precludes such storage.

8.5 The proposed containers are needed to ensure lorries are roadworthy which is central to the business and vital to the viability of the enterprise. As such, the proposal is supported by NPPF Chapter 6, Saved Policy E19 and Core Policy 35. In particular, E19 supports proposals which would 'improve the operational efficiency of the business' providing there would be no adverse impact on the character of the surroundings. The effective use of the site and proposal are also supported by Core Policy 65: Movement of Goods.

9. Conclusion

9.1 The proposed shipping containers are vital to the proper operation of Boyes Transport Ltd. Given the location of the site, there is a tension between potential impacts on the special landscape and the business needs of the operator.

9.2 It is considered that keeping the number of containers to a minimum, painting them green and siting them in the south of the site behind the roadside boundary mitigates any such visual impact.

9.3 The site is between 2 other established industrial sites on the edge of the old A303. Moreover, the containers are to be sited within an existing yard which has planning consent. This is not a greenfield site and has not had special landscape characteristics in living memory.

9.4 We have provided evidence in this statement which demonstrates that the Reason for Refusal is not sound. On balance, we consider that the proposal complies with both national and local planning policy. The economic need for the containers should be given great weight and the visual impact of their siting would be insignificant. Therefore, we respectfully request that this appeal be allowed and permission granted.