

# STATEMENT OF OBJECTION

**Land To The West Of Denby Hall Business Park  
Derby Road Denby Ripley Derbyshire**

**Planning Application ref – AVA/2019/0463**

**EXTENSION TO DENBY HALL BUSINESS PARK  
COMPRISING THE CONSTRUCTION OF 6 NEW B1/B2/B8  
USE UNITS (THIS IS A DEPARTURE FROM THE  
DEVELOPMENT PLAN. THIS MAY AFFECT THE SETTING  
OF A LISTED BUILDING)**

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February 2021

*On behalf of Denby Parish Council*





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### **1. Introduction**

1.1 This Statement of objection has been prepared by Northern Town Planning (NT Planning Ltd) on behalf of Denby Parish Council to provide further representations against the development proposed at Denby Hall Business Park under application reference AVA/2019/0463 which was refused by Amber Valley Borough Council decision dated 28<sup>th</sup> September 2020 for the following reason:

1. *“The Very Special Circumstances put forward in this case to justify the development are not considered to outweigh the harm to the Green Belt resulting from this inappropriate development. The proposal therefore fails to meet the requirements of Part 13, in particular paragraph 144 along with paragraph 11 d) of the NPPF.”*

1.2 Following the decision by the Local Planning Authority to refuse the application the applicant has subsequently implemented his right of appeal which is being considered through a public inquiry. These objections represent the views of Denby Parish Council, who made a formal objection to the original application.

1.3 This objection will concentrate on the key planning matters relating to the proposal and its planning context which include the Green Belt Impact, lack of Very special circumstances and the planning balance in particular the benefits versus the disbenefits of the appeal proposals. The main point of objection being that the harm arising through the disbenefits is not outweighed by any material benefits and as such very special circumstances have not been demonstrated to justify a development which is by definition inappropriate.



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## **2.0 The Proposed Development**

2.1 The proposal seeks to expand the business park with the erection of 3 additional buildings and creation of associated infrastructure of which comprises the following:

- Production Facility for Garner Aluminium Extrusions Limited 32,021 square metres
- Warehouse building for HL Plastics Limited 20,009 square metres.
- Production Facility for LB Plastics Ltd 7,293 square metres
- Access from B6179 on land opposing Denby Potteries to link to Hall Road.
- Parking provision of approximately 423 parking spaces.

2.2 The proposals would therefore create a total of 59,323 square metres of built footprint from buildings alone in the Green Belt.

### 3.0 Planning Policy Context

3.1 This section sets out the relevant planning policy framework which will be applied upon the proposal. This consists of the National Planning Policy Framework (NPPF) 2019, and the Local planning policy considerations

#### **National Planning policy Framework (NPPF)**

3.2 National Planning Policy is provided by the National Planning Policy Framework (NPPF). This document sets out the Government's planning policies for England and how these are expected to be applied.

3.3 The NPPF reaffirms Section 38 (6) of the Planning and Compulsory Purchase Act 2004 by stating that 'applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise'. In terms of the role of the NPPF within the wider planning system, it 'must be taken into account in preparing the development plan, and is a material consideration in planning decisions'.

3.4 The National Planning Policy Framework (NPPF3) was published in February 2019 to underpin the Governments approach to planning. Section 2 sets out in paragraph 7 that:

***"The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs".***

3.5 In terms of implementation of the NPPF, the advice of the material weight to be attached to its policies is clearly set out in Annex 1: 'Implementation'. Paragraph 213 states that 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight they may be given).

3.6 As outlined above, at the heart of the NPPF is a presumption in favour of sustainable development which 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). Paragraph 8 of the NPPF sets out the different objectives;

***"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;***

***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***

***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.”***

3.7 Paragraph 9 sets out that these objectives should be delivered through the **“Preparation and implementation of plans and the application of policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”**.

3.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

3.9 The NPPF reaffirms Section 38 (6) of the Planning and Compulsory Purchase Act 2004 by stating in paragraph 11c that for decision-taking this means;

*“Approving development proposals that accord with an up-to-date development plan without delay”; and*

3.10 In the NPPF paragraph 11 (d) it is set out:

***“Where there are no relevant development plan policies or the policies which are most important for determining the applications are out of date, granting permission unless:***

***i. 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***

***ii. 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.”***

3.11 Section 6 of the Framework relates to Building a strong, competitive economy. Paragraph 80 states that **“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”**

3.12 Paragraph 117 encourages the effective use of land in way that makes as much use as possible of previously developed or ‘brownfield’ land.

3.13 Section 12: Achieving well-designed places’ states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 of the NPPF sets out that **“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”**

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3.14 Paragraph 127 states planning policies and decisions should ensure that developments will function well, add to the overall quality of the area, visually attractive, sympathetic to the local character and history, establish a strong sense of space and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

3.15 Paragraphs 133 and 134 identifies that the essential characteristics of Green Belts are their openness and permanence, and that they serve the following five purposes:

a) To check the unrestricted sprawl of large built-up areas.

**Comment:** *The site lies to the south of Marehay which is linked to Ripley to the north, to the south lies Denby Bottles and Denby village and to the west lies Belper and Heage as per. Given the proximity of other settlements we consider it would clearly result in urban sprawl.*

b) To prevent neighbouring towns merging into one another.

**Comment:** *the existing Green Belt serves to prevent the existing area south of Ripley (Marehay) expanding further south to Denby and also west to Belper – which extends nearly up to the A38. The proposals would as such result in coalescence and in the merging of settlements.*

c) To assist in safeguarding the countryside from encroachment.

**Comment:** *The area is presently open countryside which separates existing built form and as such serves a critical break within the local area. The scale of units put forward would have a severe impact on openness and result in detrimental encroachment.*

d) To preserve the setting and special character of historic towns.

**Comment:** *Belper is a historic market town with a meandering river running through it. It's situated in the gloriously picturesque Derwent Valley Mills World Heritage Site, which stretches from Derby's Silk Mill to Matlock Bath Masson Mill. In our view any proposals which reduce the level of separation between the built form to the east of Belper and Belper itself have a material impact on its setting and the wider Derwent Valley.*

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

3.16 Paragraph 136 states,

*“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans”.*

3.17 Paragraph 145 states, A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development;  
or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

3.18 Paragraph 146 goes on to state other forms of development which are not considered inappropriate and these include;

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

**Development Plan - Amber Valley Local Plan (2006)**

- 3.19 Policy EN1 – States that development outside settlements and in the countryside will only be permitted whereby it,
- a) is essential in conjunction with the requirements of agriculture or forestry,*
  - b) is necessary within the countryside and cannot reasonably be located within an existing settlement, or*
  - c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages”*
- Within the 2006 Local Plan policy ER5 supports the expansion of employment premises, subject to the following criteria;
- 3.20 Policy EN2 reflects the exceptions within the NPPF (para 143- 146) to which development will be considered acceptable.
- 3.21 Policy EN7 – stipulates that design should be appropriate with regard to landscape character.
- 3.22 Policy EN8 – Permission will not be granted for development which would damage or destroy significant vegetation.
- 3.23 Policy EN9 – stipulates that where significant landscape impact or loss occurs proposals will only be acceptable whereby mitigation is provided or impact is offset.
- 3.24 Policy EN15 – Developments should not adversely impact on Flood Risk
- 3.25 Policy EN16 – development should not materially increase pollution levels.
- 3.26 Policy TP1 seeks to ensure adequate access and the road network is adequate for developments
- 3.27 Policy ER4 In addition to development on those sites identified in policies ER3, planning permission will be granted for business, industrial or storage and distribution uses (B1, B2 and B8), including the redevelopment of land and buildings or the expansion of existing premises, within existing business and industrial areas, as shown on the Proposals Map, providing that:-
- a) the proposals satisfy the criteria in policy ER11
  - b) any proposals for B8 uses also satisfy the criteria in policy ER7

Planning permission will only be granted for uses other than B1, B2 or B8, if the proposals:-

- 1) would not lead to a shortfall in the availability of business and industrial land within the Borough
- 2) satisfy the criteria in relation to specific policies for each land use

Proposals for factory shops or other retail development will only be acceptable if they are ancillary to an existing or proposed business or industrial use



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- 3.28 Policy ER11 raises that proposals should be compatible with their surroundings, have regard to features of a distinct character and nature conservation interests and provide landscaping where proposals are of visual prominence or located on an urban fringe. Satisfactory access to the road network is also stated.

#### **4.0 Planning Objection**

4.1 This section of the statement identifies the main planning considerations and provides an assessment of the Green Belt stipulations.

##### **Principle of Development**

4.2 The site is located outside settlement limits with a Green Belt Land designation. Both local and national policy makes it very clear that the construction of new buildings is considered inappropriate development, especially for the purposes applied for.

4.3 The proposals do not fall within any of the exceptions to Green Belt planning policy and this is accepted by both parties, the Council in the form they describe the application as a departure from planning policy and the appellant who attempts to argue very special circumstances.

4.4 As such the proposals should be considered wholly unacceptable in principle and can only be considered acceptable if very special circumstances outweigh harm. As such we must consider the implications of a Green Belt designation below.

##### ***Green Belt Planning***

4.5 So, what does a Green Belt designation mean for development?

- The Government attaches great importance to Green Belts and any harm is given substantial weight.
- Openness is key and the principal aim of the designation.
- Inappropriate development is harmful and can only be approved in “very special circumstances (VSC)”
- Harm to the Green Belt by inappropriateness + other harm must be clearly outweighed by VSC in a Planning Balance Test.

4.6 As such there is a clear necessity for the appellant to demonstrate VSC and the question of what constitutes VSC is therefore up for debate.

4.7 There is no magic argument in terms of VSC and many assessors are looking for one key element – however it’s not whether one benefit constitutes VSC but whether all benefits together outweigh harm and as such constitute VSC.

4.8 A demand and absence of any alternative sites results in an essentiality argument; however, this has been considered insufficient for proposals which seek new buildings in the Green Belt.

4.9 The NPPF states that such 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.

### **Green Belt Harm**

#### ***Openness***

- 4.10 Openness in a Green Belt sense relates to lack of built development more than visual openness, although the two often go hand in hand, and that openness as a characteristic can be considered in terms of the scale and density of development.
- 4.11 The appeal proposal would inevitably result in substantial harm to the openness of the Green Belt given it would introduce large scale employment units onto an area of open land. Added to this associated infrastructure such as access and a car park for over 400 cars is a considerable amount of hard standing within a countryside location.

#### ***Local Plan 2019***

- 4.12 During the Examination of the local plan (2019) whilst the plan has now been abandoned it none the less provides invaluable information within this the Council submitted a document dated March 2019 entitled “Green belt and Site Allocations” paragraph 6.4.16 states,

*“A potential site has been submitted for new business and industrial development, following the Council’s decision to undertake the Green Belt Review. This site lies immediately to the west of Denby Hall Business Park and is within the Green Belt. Although the site could help to support the Strategic Objective in the Local Plan, to foster economic development by improving the quality and accessibility of employment land and infrastructure within the Borough, the scale of the proposals (35 hectares) would significantly exceed the extent of the recommended buffer in the Study (13.5 hectares). Together with the conclusions of the Green Belt Review in respect of the land parcel within which the site is located, **which rate the parcel’s importance to the relevant purposes of the Green Belt as critical or major, the Council does not consider that there are ‘exceptional circumstances’ to justify an amendment to the Green Belt boundary to delete the site from the Green Belt and to include it as an Economic Growth Site.**”*

- 4.13 The Council were also adamant in the last sentence that the economic benefits arising from including the land parcel as an Economic Growth Site, were not sufficient to justify “exceptional circumstances”.
- 4.14 It is therefore apparent that in the Councils most recent Green Belt review the land parcel which relates to the appeal proposal was considered as major/critical importance in terms of Green Belt functionality. This is confirmed by the 2018 Green Belt Review undertaken by SPRU part of DLP Planning LTD and is discussed further below.

#### **2018 Green Belt Review**

- 4.15 The purpose of the review was to inform opportunities for Green Belt land release for the next local plan the land parcels relating to the appeal proposals were numbers 56, 57 and 58 with the table below outlining the findings.

Parcel	Purpose 1 - To check the unrestricted sprawl of large built-up areas	Purpose 2 - Prevent Neighbouring Towns from merging into one another	Purpose 3 - To assist in safeguarding the countryside from encroachment	Purpose 3 - To assist in safeguarding the countryside from encroachment, Capacity for change	Purpose 4 - To Preserve the setting and special character of Historic Towns
56	<b>Major</b>	<b>Major</b>	Moderate	<b>Little/None</b>	Moderate
57	Slight	Moderate	<b>Critical</b>	<b>Little/None</b>	N/A
58	<b>Critical</b>	<b>Major</b>	<b>Major</b>	<b>Little/None</b>	N/A

**Table 1: Green Belt Review Findings, SPRU 2018**

- 4.16 Land parcels assessed as being of major or critical importance are deemed as of paramount importance that they are retained as green belt and kept open as they critically serve to adhere to the 5 principles of the Green Belt listed at Paragraph 134 of the NPPF.
- 4.17 Denby Parish Council consider that this remains the case now and that simply trying to gain the development through a planning application rather than promotion of the Local Plan does not remove the harm.
- 4.18 The 2018 Green Belt review refers to the critical function and that its essential these areas continue to function as Green Belt,

*“The principal feature of the methodology is the recognition of ‘critical’ Green Belt purposes. These exist where a single purpose is so fundamental to the retention of areas of land in the Green Belt that this purpose alone may justify maintaining its role as Green Belt”.*

*Paragraph 4.31, 2018 GB review, SPRU*

- 4.19 As per our comments on the appeal sites Green belt functionality at paragraph 1.55, table 1 agrees with those conclusions which is that the land serves a key Green belt function (parcel 58) and is of major or critical importance and has no capacity for change, which the appeal proposals would certainly do.
- 4.20 The appellant suggests in their appeal statement that the site does not function as Green belt or meet any of the 5 purposes. Our findings along with table 1 (2018 Green Belt review) would disagree completely with that. We also consider that given the Council **rejected** the release of the land from the Green Belt for economic growth (paragraph 6.7), economic growth and job creation cannot be now used as an argument for “Very Special Circumstances VSC”.
- 4.21 In previous representations we highlighted that the proposals would expand Marehay, resulting in a loss of the southern buffer of Countryside to the settlement to the south (Smithy Houses), which is shown on the below aerial Figure 1. The site shown in red, present business park adjacent and the settlement clearly shown to the south.



**Fig 1: Aerial showing loss of Countryside buffer to settlement**

4.22 The appellant asserts that “VSC” have been demonstrated however we consider that the major/ critical harm (disbenefits) to the Green Belt by way of openness and conflict with its 5 purposes is so severely substantial that it cannot be outweighed by benefits such as an economic argument (appellants Main Issue 1 Statement of Case).

**Appellants Argument on Harm**

4.23 The appellant accepts that the proposals result in harm but claims mitigation reduces that harm and additionally that economic benefits outweigh the total harm resulting in VSC.

4.24 We would draw attention to the case of “CENTRAL BEDFORDSHIRE COUNCIL V SSCLG [2017] EWHC 1952 (ADMIN)” in this case it was considered that visual harm impact may intensify harm to openness in spatial terms. It was also cited that visual impact cannot be used to demonstrate no impact and that imperceptible development may still have spatial impact.

4.25 This asserts that no matter how well development is designed, positioned and mitigated through landscaping etc there is still a spatial impact which results in harm to the Green Belt.

4.26 It is considered that no amount of landscaping or well-designed build will make the site appear open as it is now. In addition, we have to consider the increase in activity such as car journeys, use of lighting (buildings and car parking) which will not and cannot be equal to that of the site at present.

4.27 The loss in Green Belt habitat is severe and the proposals result in the loss of mature trees and an area of Green Belt that can be enjoyed via a public footpath.

**Appellants Main Argument**

4.28 The appellants main argument is purely based on economic benefit arising from the appeal proposal.

4.29 This immediately seems a rather one-dimensional argument especially given Sustainable Development comprises of 3 factors: Environment, Social and Economic. A strong case for one factor does not balance out all three.

### **Economic Case**

- 4.30 The appellant asserts that there are no other sites suitable for the proposals, this represents a common argument and the lack of suitable provision is not something considered to represent “VSC”. If it were then a case could be made for large industrial units all over the Country and the Green Belt would be irreversibly eroded.
- 4.31 The case presented in terms of job creation is also an unsubstantiated one, as any proposal will result in job creation and the very nature of the use of an employment-based form results in job creation. This however has no bearing on the Green Belt designation and does not justify a need to depart from Planning Policy. We as such do not consider VSC from an economic argument can be made here and this argument has already been discounted by the Council when considering the site for economic growth previously.
- 4.32 The appellant also references Covid – 19 as an economic matter and an attempt to further bolster the job creation from the appeal proposal however we would point out that the employment figures shown are for the end of 2025 and would anticipate the economic recovery from Covid 19 to be complete by this point and would give this no weighting.
- 4.33 In terms of overall employment land availability when comparing the Councils 2016 OAN to the 2020 land supply, Amber Valley still has a modest supply surplus of 4.38 ha, to 2033. As a result, Amber Valley can still sustain economic growth without the need for additional sites. Hence the site is not required in order to sustain or achieve economic growth as a consequence the weight given to job creation is limited in a similar manner to the weight given to proposals for new homes in the Green Belt when a Council can demonstrate a robust 5-year housing supply i.e., the site is not needed.

### **Habitat Improvement**

- 4.34 The proposals seek to improve an area of green belt habitat to justify the loss of an area of green belt for development of industrial units. Again, this argument/ mitigation is not something that can justify VSC for loss of Green Belt land and is an argument that any land owner could present such as for example, *“I wish to develop 50% of my Green belt land so I will simply improve the habitat of the other 50%”*. If this were considered to constitute very special circumstances there would be a massive loss in Green Belt land across the country.
- 4.35 The appeal proposals are for large buildings with large smelting chimneys which will not be screened by landscaping buffers and planting will take years to mature.

### **Additional Harm**

The proposals result in the loss of agricultural land and I see no evidence to justify this or an assessment of Agricultural Land Value, additional agricultural land is also lost to create mitigation through improved habitat.

- 4.36 A Great Crested Newt and reptile receptor site is indicated on the mitigation plan to the south of the proposed buildings and this lies adjacent a car park and the main access into the site. Great Crested Newts are highly susceptible to pollution and this appears to be the worst possible location for reptiles.



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- 4.37 The proposed access also has trees either side highly susceptible to roosting bats, which will undoubtedly be disturbed by the coming and going of vehicles 24 hours a day.
- 4.38 It is considered that the proposals have not been adequately assessed in terms of **air quality** impact which is also considered to result in **significant harm to the environment**. Without this information an assessment of harm and weight of benefit Vs disbenefit is unlikely to be accurate.

## **5.0 Planning Balance**

- 5.1 The Planning balance is used to weigh up the benefits against the disbenefits and only where the benefits are more heavily weighted will Very Special Circumstances (VSC) prevail and are considered to be demonstrated.
- 5.2 At Appendix 1 we have set out the benefits vs disbenefits for these particular appeal proposals. As can be seen the majority of benefits are actually of neutral benefit and limited weight i.e., they do not present substantial benefit.

### **"BENEFITS"**

#### **Economic**

- 5.3 We consider the economic argument presented of limited and neutral benefit, as discussed at paragraph 6.24, Amber Valley Borough Council has an employment land surplus and as such does not require additional job creation through release of additional green belt land.
- 5.4 The case has also been presented that there are no other sites available this is considered a necessity argument but does not present a case to justify VSC. The fact that a site is sequentially preferable do not outweigh harm. In any case we consider there to be a suitable site at St Mowden Park, Derby which would be considered to be within suitable commuter distance.

#### **Habitat Improvement etc**

- 5.5 The only other benefits presented are of habitat improvement, management and additional buffer planting again these are considered to be of neutral benefit. Every proposed development especially of large scale is expected to provide robust landscaping and habitat improvements to mitigate visual impact and also improve biodiversity in general, this is irrespective of land designation. A proposal on an employment designated site if designed appropriately should include buffer planting, habitat improvement and management. As such we fail to see how this can be considered any more than of neutral benefit.
- 5.6 Additionally the existing habitat is undisturbed and exists in open countryside, there is a distinctive benefit to it as it is not located adjacent built form, hardstanding or have regular vehicle journeys through it. We also consider that habitats can self-develop over time as such the weight attributable to this and management again is limited.

#### **Summary**

- 5.7 The benefits cited in our view are negligible and do not present a strong case in support of the appeal. The economic case in terms of job creation is unjust given the economic growth is not required as stated. Whilst no other sites are available of this size this does not present a job creation argument as a development of a number of small units may provide greater jobs than a single large unit.
- 5.8 The habitat improvement case is also tenuous and limited – in our view improving a certain percentage of lands habitat does not justify destruction of an area for development, especially

when ecological benefit should be sought in every planning application irrespective of land designation.

**“DISBENEFITS”**

**Green Belt Harm**

- 5.9 The land in question is Green Belt designated and given the proposals are not included in any of the exceptions they are considered by definition harmful. This parcel of green belt (parcel 58) was evaluated as critical under purpose 1 and major under purpose 2 and 3 thus demonstrating the need to retain it as part of the green belt and critical to check the unrestricted sprawl of large built-up areas.
- 5.10 The Green Belt Revised from 2018 clearly outlined the parcel had no capacity for change and had a critical function – and as such harm in this regard must be considered overwhelmingly Substantially Negative.
- 5.11 It is therefore considered the proposals represent substantial harm in terms of inappropriate development and also substantial harm in terms of impact on openness.

**Visual Impact**

- 5.12 The buildings proposed are of a large footprint and whilst screening may reduce short distance views, we consider the moderate and longer distance views of what is presently open Green Belt with a natural vista will be irreversibly changed. The spatial separation the site presently affords between settlements will also drastically change. The access point will present a new opening into the site which again has visual impact. The visual impact as such is considered negative and no amount of planting would mitigate this from moderate to long views.

**Loss of Habitat and Agricultural Land**

- 5.13 The proposals would result in the loss of a significant area of habitat and further loss through offset habitat creation. At present the land is varied habitat with some open grassland, woodland and agricultural land but is natural in form. The proposals would result in a combination of development and man-made habitat. The overall loss in habitat is negative and the mitigation proposed does not compensate due to the disturbance that would result from the appeal proposals.
- 5.14 The proposals also result in the loss of agricultural land which has not been assessed in terms of its value. Paragraph 170 NPPF states – *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*. There is therefore a negative impact in terms of agricultural land been lost.

### **Air pollution**

- 5.15 The application submission has failed to address air pollution with any quantifiable assessment, both in terms of the uses proposed, mitigation of pollutants and in terms of the increase in transport and car journeys resulting from the appeal proposals. As such we consider the full Environmental impacts are not known and as this must be considered negative until proven otherwise. The NPPF stipulates developments now need to specifically identify opportunities to improve air quality or mitigate impacts (para 181 NPPF), which is not the case in this submission. Whilst the proposals were in outline a thorough assessment and understanding needs to be undertaken with opportunities to mitigate and improve to simply condition this is not giving a full understanding in the planning assessment.

### **Loss of Footpaths**

- 5.16 The appeal proposals result in the loss of widely used and established footpaths which at present are set in a natural settled environment. Whilst alternatives are suggested these will be created and set adjacent new development, with the disturbance of 24 hour uses adjacent and within a man-made habitat which will take several years to establish. The enjoyment and amenity of these footpaths for its users would therefore be lost and not replaced. The application fails to demonstrate an improvement here and as such the impact is negative.

### **Summary**

- 5.17 The above disbenefits weigh heavily against the appeal proposals as set out in appendix 1. We also consider that the full weight of the planning balance wasn't understood in the Councils assessment of the application which received a recommendation for approval. We consider that members of the Planning committee were correct in their judgement that the economic case and habitat improvements did not outweigh the harm resulting.



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### **8.0 Conclusion**

- 8.1 As set out in the table of benefits vs disbenefits at Appendix 1. The benefits are of neutral impact with the job creation and economic argument not required due to the Council already having surplus employment land. The development results in a quantifiable loss of habitat and whilst habitat improvement to an area is proposed this would be expected with any proposal irrespective of allocation and is called net biodiversity gain as specified in the NPPF paragraphs 170 and 175. The benefits are thus negligible.
- 8.2 What is clear is the disbenefits are more substantial negative, the appeal proposals are inappropriate development and have a material impact on openness. Added to this the points above, visual impact, loss of habitat, loss of agricultural land, loss of footpaths and air quality all weigh heavily negatively.
- 8.3 We would also reiterate that we do not consider the full disbenefits and the weighting of them was understood in the Council's recommendation to planning committee. As a casing point the Planning Officer report to committee did not cite the Green Belt review, 2018 which makes it clear the land parcel in question serves a critical Green Belt function hence why it was not considered for the 2019 abandoned Local Plan.
- 8.4 The findings in our assessment (appendix 1) clearly demonstrate greater disbenefit and that as such Very Special Circumstances do not exist. The decision of members to overturn the recommendation was therefore correct.
- 8.5 As such we respectfully ask that the Planning Inspector uphold the decision of Planning Committee and dismiss the appeal.



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**Appendices**

Appendix 1 – Benefits V Disbenefits (Separate document)