



Appeal Decisions

Site visit made on 21 November 2011

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 December 2011

Appeal No 1: APP/W0340/A/11/2157350

Site E - Former GLCM Alert and Maintenance Area (GAMA) Site, Greenham Common, Basingstoke Road, Greenham, Thattham RG14 7HQ

- 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 Flying A Services against the decision of West Berkshire Council.
 - The application Ref 10/02001/FUL, dated 2 August 2010, was refused by notice dated 28 January 2011.
 - The development proposed is described as: *B8 use for the permanent storage of cars on Site E at the former GAMA site.*
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Appeal No 2: APP/W0340/A/11/2157363

Site C - Former GLCM Alert and Maintenance Area (GAMA) Site, Greenham Common, Basingstoke Road, Greenham, Thattham RG14 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Flying A Services against the decision of West Berkshire Council.
 - The application Ref 10/02005/COMIND, dated 2 August 2010, was refused by notice dated 28 January 2011.
 - The application sought planning permission for *Change of use of land to external storage in defined areas Class B8 – Site C* without complying with a condition attached to planning permission Ref 08/01148/COMIND, dated 1 September 2008.
 - The condition in dispute is No 6 which states that: *The duration of the use hereby permitted shall not exceed 10 years from the commencement of the first use on the site. The Local Planning Authority shall be notified in writing 14 days prior to the first commencement of the use on site.*
 - The reason given for the condition is: *Permission would not normally be granted but regard has been paid to the site/applicant in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016 Saved Policies (2008) and Policy OVS.2 of the West Berkshire District Local Plan 1991-2006 Saved Policies (2007).*
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Appeal No 3: APP/W0340/A/11/2157365

Site S - Former GLCM Alert and Maintenance Area (GAMA) Site, Greenham Common, Basingstoke Road, Greenham, Thatcham RG14 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Flying A Services against the decision of West Berkshire Council.
 - The application Ref 10/02006/COMIND, dated 2 August 2010, was refused by notice dated 28 January 2011.
 - The application sought planning permission for *Change of use of land to external storage in defined areas Class B8 – Site S* without complying with a condition attached to planning permission Ref 08/01150/COMIND, dated 18 September 2008.
 - The condition in dispute is No 6 which states that: *The duration of the use hereby permitted shall not exceed 10 years from the commencement of the first use on the site. The Local Planning Authority shall be notified in writing 14 days prior to the first commencement of the use on site.*
 - The reason given for the condition is: *Permission would not normally be granted but regard has been paid to the site/applicant in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016 Saved Policies (2008) and Policy OVS.2 of the West Berkshire District Local Plan 1991-2006 Saved Policies (2007).*
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Decision – Appeal No 1

1. The appeal is dismissed.

Decision – Appeal No 2

2. The appeal is dismissed.

Decision – Appeal No 3

3. The appeal is dismissed.

Applications for costs

4. Two applications for costs were made, one by West Berkshire Council against Flying A Services and one by Flying A Services against West Berkshire Council. These applications are the subject of separate decisions.

Preliminary matter

5. Appeals No 2 and 3 relate to conditions imposed on permissions which were granted in September 2008. Those permissions would have expired in September 2011 unless they had been implemented before their respective expiry dates. The appellant considers that the necessary conditions have been discharged and that works have been carried out which amounted to the implementation of both permissions within the required timescales. The Council states that it is still investigating whether the works were sufficient to constitute commencement of the development, thereby keeping the permissions alive. This is not a matter which is before me. The fact that I have considered these two appeals on their merits does not indicate either agreement or disagreement with the appellant's position.

Main issues

6. The two main issues for Appeal No 1 are the effect of the proposal on the significance of the Cruise Missile Shelter Complex (CMSC), Greenham Common, which is a Scheduled Monument (SM), and the effect of the proposal on the character and appearance of the area.
7. For Appeals Nos 2 and 3 the main issue is whether the disputed conditions are reasonable and necessary, having regard to any effects on the significance of the CMSC and any effects on the character and appearance of the area.

Reasons

Background

8. The appellant company acquired the CMSC when it was no longer required by the Ministry of Defence. Planning permissions were granted for open storage in Areas E, C and S. These permissions were limited to the storage of cars and were for temporary periods of 10 years. Further permissions were granted in 2008. These effectively changed the terms of the original permissions such that the 10 year period would run from the date the use actually started rather than the date of the permissions. Appeals Nos 2 and 3 now seek to remove these conditions altogether in respect of Areas C and S so that the permissions would become permanent.
9. The reasons for the disputed conditions, as stated on the decision notices, are somewhat generalised. However, English Heritage has explained that the view was taken that, notwithstanding the harm that would be caused to the SM, the temporary storage uses would provide a way of securing enabling works which would, in time, support a more benign use of the site. The enabling works contemplated included improvement works at the junction of the site access and the A339 and the provision of services. The appellant does not dispute that this was the underlying reason for the grant of these temporary permissions.
10. In the event no operator has been found who would be prepared to run a car storage use on a temporary basis. The appellant argues that the use should therefore be permitted on a permanent basis in order to provide an income to support the continuing maintenance of the SM. In respect of Area E, the appellant proposes a smaller area of vehicle storage than that previously permitted. A fresh planning application has therefore been submitted for this area.
11. If all three appeals were allowed the effect would be to permit permanent storage of cars on the amended Area E and on Areas C and S. In total, these areas could accommodate over 6000 cars.

Effect on the significance of the Scheduled Monument

12. The SM list entry notes that the CMSC at Greenham Common is internationally important as one of the key emblematic monuments of the Second Cold War¹. It was one of 6 such sites in Europe and is believed to be the only one in England which housed operational cruise missiles. The CMSC includes 6 massive shelters which housed missile transporters, extensive external areas of hardstanding, various buildings and an area of 1950s bomb stores which were

¹ A term used by some historians for the early 1980s due to the escalating tensions between East and West.

refurbished for use as part of the CMSC. All of these components were contained within layers of security fencing – typically a double inner fence and a single outer patrol fence.

13. In the terms of Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) the CMSC is a designated heritage asset with a high level of historic and architectural significance. It has illustrative value in that it shows the resolve of the partners in NATO to maintain nuclear parity with the countries of the Warsaw Pact. It also illustrates the technological innovation which characterised the defence industry of that era. In addition, the CMSC has communal value in that it was the focus of mass protest against the nuclear arms race. The list entry notes that, in this context, the fencing forms an integral part of the CMSC forming the barrier to protestors camped at the “Green Gate”.
14. The combined areas of vehicle storage would occupy a significant proportion of the total area of the SM, including the extensive hardstandings to the south of the missile shelters and land adjacent to the fences along the eastern and southern boundaries. The closely spaced regular ranks of parked vehicles would bring about a transformation in the character of the affected areas from their present character as parts of a former military base to that of a large scale commercial storage operation. Moreover, the scale and visual impact of the vehicle storage would have a significantly detrimental impact on the settings of the missile shelters and the 1950s bomb stores.
15. The appellant argues that the specific function of the areas of hardstanding is unclear and that these were subsidiary to the missile shelters and bomb stores. It is also suggested that these areas would not have been open, as they are now, when the site was operational but would have been occupied by vehicles and equipment. In addition, the appellant considers that the most important views of the CMSC are from the north, across the site of the former airbase. It is argued that these views would be unchanged and that because of the wooded nature of the Common there are only limited views into the site from other directions.
16. English Heritage (EH) points out that the CMSC housed up to 36 articulated vehicles which required access to the integrated maintenance facility, housed in a building within Area C. I agree with EH that there can be little doubt that this extensive open area was intended to allow large vehicles to manoeuvre. Whilst the missile shelters are the most impressive structures, the hardstandings and more ordinary buildings were essential elements in the operation of the complex. The generally open nature of the hardstandings contributes to an appreciation of how the CMSC functioned. I therefore consider that it is necessary to consider the impact of the proposals on the significance of the SM as a whole.
17. It is likely that other vehicles, in addition to the large transporters, would have been parked within the area of the hardstandings. However, to my mind there is no equivalence between groups of military vehicles in an operational environment and the coverage of most of the hardstandings with closely packed lines of cars. I saw that the proposed storage areas would not be readily visible in views from the north because they would be behind the missile shelters. Nevertheless, there would be views from other directions which I will comment on further below. In any event, the *Historic Environment Planning Practice Guide*, which accompanies PPS5, advises that the contribution

- that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting.
18. The proposals for Area E, (Appeal No 1), are for vehicle parking alongside and in between the two inner fences and the outer patrol fence. It seems unlikely that there would have been any obstructions here when the site was operational. The introduction of open storage in these locations would obscure the relationship between the lines of fencing and diminish the illustrative value of the fencing in relation to the high levels of security at the CMSC. As noted above, the importance of the fencing to the significance of the SM is reflected in the list entry. Whilst longer views of the eastern boundary are limited by woodland, there is a path running outside the outer patrol fence which provides views into the CMSC. The presence of parked cars would detract from the experience of viewing the SM from this location.
 19. The proposals for Area C, (Appeal No 2), would see most of the hardstanding to the south of the missile shelters and around the integrated maintenance facility being used for open storage. For the reasons given above, this would be harmful to the significance of the SM as a whole and to the setting of the missile shelters. Area C includes the Green Gate. It seems to me that the view of the missile shelters from the Green Gate, seen through the layers of fencing, holds particular communal value in relation to the anti-nuclear protests associated with Greenham Common. The proposals for Area C would significantly diminish the experience of viewing the CMSC from this important location.
 20. Turning to Area S, (Appeal No 3), the issues here are similar to those for Area E. Longer views from the south are restricted by woodland but there are public paths close to the boundary of the CMSC. There are 4 lines of fencing in this part of the site and the proposal would include vehicle parking alongside and in between the 3 inner fences. This would be harmful, for the reasons given above. The area between the 3rd fence and the outer fence would be kept clear, and this would provide a buffer zone adjacent to the outer patrol fence. Nevertheless, the presence of parked cars would be seen from paths within the common.
 21. The guidance of PPS5 requires an assessment to be made of the degree of harm to the heritage asset. In making this assessment I have had regard to the combined effect of the 3 appeals. This is because, although 3 separate planning permissions have been granted, in effect these amount to a single scheme as shown on the appellant's parking layout, landscape and drainage drawings. There is nothing in the appellant's case to suggest that the 3 components might be implemented separately or that the benefits attributed to the scheme would be realised if all 3 were not implemented together.
 22. I take account of the fact that planning permission has already been granted in respect of each site and, subject to my comments in paragraph (5) above, the harm I have identified may occur in any event. However, that would be for a limited period. The current appeals propose permanent use and a fresh assessment has therefore to be made regarding the degree of harm and the extent of any public benefits. The appellant argues that the proposals would be reversible. Whilst that may be so, the appeal proposals are for permanent use and I see little reason to think that, once established on a permanent basis, the open storage use would be likely to cease.

23. My overall assessment is that the proposals would result in substantial harm to the significance of the SM. Policy HE9.1 of PPS5 sets out a presumption in favour of the conservation of designated heritage assets and states that substantial harm to designated heritage assets of the highest significance, including SMs, should be wholly exceptional. Policy HE9.2 states that proposals that would result in substantial harm to significance should be refused unless: (i) the harm is necessary to deliver substantial public benefits that would outweigh the harm; or (ii) the proposal would meet all of the 4 criteria set out in the policy.
24. The appellant argues that the benefits of the proposal would include the provision of security; maintenance of fences, landscape and hardstandings; the re-provision of electricity and other services and repairs to the main building. In addition, it is suggested that any profits from the proposed use could be used to fund repairs to the other buildings and that consideration could be given to the establishment of a museum.
25. There is evidence that the site has suffered some damage from intruders and the provision of security would therefore be beneficial. Without some form of maintenance it is likely that vegetation would encroach onto parts of the SM, including the fences and hardstandings. The proposed use would create a commercial imperative for security and management of vegetation which should be regarded as a benefit which weighs in favour of the proposals. Beyond that, there is limited information before me regarding the extent and nature of any need for services or repairs to buildings. Regarding the longer term, the suggested benefits are not clearly defined and there is no identified delivery mechanism. The appellant has an objective of establishing a museum at the site but there is no evidence regarding whether that ambition is likely to be achieved or whether it would be compatible with the appeal proposals. I therefore attach very little weight to these suggested benefits.
26. I conclude that the benefits of the proposals fall well short of the substantial public benefits required by the first part of HE9.2. With regard to the second part of the policy, whilst I note that there has been some marketing of the site this appears to have been aimed mainly at vehicle storage and similar commercial open storage uses. It has not been shown that the site is incapable of reasonable use or that no viable use can be found in the medium term. The proposals do not therefore meet criteria (a) and (b) of HE9.2(ii). Criterion (d) is that the harm is outweighed by the benefits of bringing the site back into use. This criterion would not be met because of the scale and nature of the harm compared with the limited benefits that would flow from the proposals.
27. With regard to Criterion (c), I note that enquiries have been made regarding some sources of grant funding. On the other hand there is little evidence that the option of some form of charitable ownership has been fully explored. I consider that the evidence on this point is inconclusive. However, as it would be necessary for proposals to meet all 4 criteria within HE9.2(ii) this does not alter my conclusion.
28. On the first main issue I conclude that the proposals would result in substantial harm to the significance of the CMSC², contrary to the guidance of PPS5. In

² Inspectors Note – for the reasons given above, this conclusion is based on the combined effect of all 3 appeal proposals. If the sites were assessed separately the harm arising in relation to Site E and Site S would be less

addition, the proposals would be contrary to South East Plan Policy BE6, which states that the region's nationally designated heritage assets should receive the highest level of protection, and with West Berkshire District Local Plan Policy OVS.2 which seeks to preserve the sites and settings of SMs.

Effect on the character and appearance of the area

29. The CMSC is surrounded by common land which is accessible to the public. To the north, part of the former airbase has been returned to open heathland. There is woodland, with some open glades, to the west, south and east. There is a single track lane, with some passing places, leading to the Green Gate from the A339.
30. The proposed vehicle storage areas would have a limited impact on the wider landscape due to the screening afforded by the missile shelters and the woodland. However, there would be short range views of the stored vehicles in all 3 areas from the paths around the perimeter of the complex. The proposals would introduce a large scale commercial activity which would detract from the woodland character of these parts of the common.
31. Greenham Parish Council draws attention to the importance of the lane for recreational users of the common. The Council's highways officer suggested that the combined proposals would generate around 50 car transporters entering and leaving the site each day. I see no reason to doubt that estimate³ and I consider that the amount of HGV traffic generated by the proposals would have a significantly detrimental impact on the tranquil nature of this narrow rural lane.
32. On the second main issue, I conclude that the proposal would be harmful to the character and appearance of the area. This would be contrary to the advice of Planning Policy Statement 7: *Sustainable development in rural areas* that the quality and character of the countryside should be protected.

Other matters

33. The appellant draws attention to an appeal decision at Upper Heyford⁴. Whilst I note that decision, the facts of that case were very different to the circumstances here. I have taken account of the draft National Planning Policy Framework. However, as this is a draft document which may change I attach little weight to it at this stage.
34. The site adjoins a Site of Special Scientific Interest (SSSI). A risk assessment and a proposal for a sustainable drainage system were submitted with the applications. Natural England has commented on the applications and has not objected, subject to conditions designed to protect the SSSI. I agree that the SSSI could be protected by the imposition of appropriate conditions.
35. The Parish Council is concerned about highway safety at the proposed junction of the access lane and the A339. At my site visit I saw that there is reasonable visibility at this junction. A scheme of junction improvements, designed to accommodate the traffic generated by the proposals, has been approved

than substantial, due to the smaller scale of these sites. The balance required by Policy HE9.4 would then be applicable. However, my conclusion would still be that the public benefits would not outweigh the harm to significance.

³ Inspector's note – the projection is based on evidence from a proposed facility in Oxfordshire.

⁴ Ref APP/C3105/A/08/2080594

pursuant to conditions on the previous permissions. Consequently, I do not consider that the proposal would result in material harm to highway safety.

Conclusions

36. In respect of Appeal No 1, for the reasons given above, I conclude that the appeal should be dismissed.
37. In respect of Appeals Nos 2 and 3, for the reasons given above, I conclude that the disputed conditions are both reasonable and necessary so the appeals should be dismissed.

David Prentis

Inspector

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