

Appeal Decisions

Site visit made on 21 July 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 22 August 2016

Appeal A: APP/L3815/W/15/3139635

107 First Avenue, Almodington, Earnley PO20 7LQ

- 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 Mr & Mrs Lowe against the decision of Chichester District Council.
 - The application Ref E/15/01644/FUL, dated 22 May 2015 was refused by notice dated 9 September 2015.
 - The development proposed is extended hardstanding to north of the glasshouse and change of use of the land to the south of the glasshouse to the storage of caravans, boats and storage containers.
-

Appeals B & C: APP/L3815/C/16/3142870 & 3143576

107 First Avenue, Almodington, Batchmere, Chichester, West Sussex

- These appeals are made under section 174 of the Town and Country Planning Act 1990 (the Act) as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Lowe & Mrs Lowe against an enforcement notice issued by Chichester District Council.
 - The breach of planning control as alleged in the notice is the change of use of land to use for the storage of caravans, caravan trailers, boats and domestic items.
 - The requirements of the notice are
 - i) Cease the use of the land for the storage of caravans, caravan trailers, boats and domestic items
 - ii) Remove the caravans, caravan trailers, boats and domestic items from the land
 - iii) Remove the steel container buildings and timber shed from the land
 - iv) Break up and remove the hard surface from the land and
 - v) On completion of steps (iv) level and reseed the land
 - The period for compliance with the requirements is 4 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a) of the Act as amended. The applications for planning permission deemed to have been made under section 177(5) of the Act as amended are also to be considered.
-

Decisions

Appeal A: APP/L3815/W/15/3139635

1. The appeal is dismissed insofar as it relates to the change of use of the land to the south of the glasshouse to the storage of caravans, boats and storage containers.
 2. The appeal is allowed insofar as it relates to extended hardstanding to north of the glasshouse and planning permission is granted for extended hardstanding to north of the glasshouse at 107 First Avenue, Almodington, Earnley PO20 7LQ in accordance with the terms of application Ref E/15/01644/FUL, dated 22 May 2015.
-

Appeals B & C: APP/L3815/C/16/3142870 & 3143576

3. The enforcement notice is varied by the deletion of paragraphs 5(iv) & 5(v) and their replacement with
 - iv) Break up the hard surface to the south of the glasshouse and remove from the land and
 - v) On completion of step (iv) level and reseed the land to the south of the glasshouse
4. The appeals are allowed insofar as they relate to the hard surfacing to the north of the glasshouse, and planning permission is granted on the applications deemed to have been made under section 177(5) of the Act as amended, for the hard surfacing to the north of the glasshouse.
5. The appeals are dismissed and the enforcement notice is upheld as varied for the change of use of land to use for the storage of caravans, caravan trailers, boats and domestic items, and planning permission is refused in respect of the change of use of land to use for the storage of caravans, caravan trailers, boats and domestic items on the applications deemed to have been made under section 177(5) of the Act as amended.

The notice

6. The Council contended that the removal of the steel containers could form part of the required steps as they were necessary in connection with the storage of 'domestic items'. The Appellants have not challenged this and have not said that including the removal of the containers in paragraph 5 in some way conflicted with the alleged breach. I share this view and so I have determined the enforcement appeals on that basis.
7. There were 3 portacabins on the land when I visited – one to the north of the glasshouse and 2 to the south. The Council said these should be included within paragraph 5(iii) of the notice as they were used to facilitate the storage of domestic items. To my mind though extending the requirements of the steps in that way could prejudice the parties, and so I have not considered their removal as a requirement of the notice. Although not mentioned in the description, they nonetheless formed part of Appeal A.

Main Issues

8. The main issues with these appeals are the effect of the development on the character and appearance of the countryside and whether it results in a promotion of the use of private motor vehicles.

Reasons

9. First Avenue is one of a series of roads that were laid out in the inter-war years last century to form horticultural units. It is outside any settlement in the countryside, and is designated as a Horticultural Development Area.
10. As a consequence of its original purpose, First Avenue is lined by a number of individual dwellings standing in large plots, many of which have greenhouses or other buildings of a horticultural nature behind. These various buildings tend to be separated by areas of grassland and pasture. In particular I note that to the west and south of the appeal site are large glasshouses while a meadow is

to the east. Therefore, to my mind the area still has a rural and horticultural character.

11. No 107 comprises the Appellants' house and gardens close to First Avenue, with a large caravan site for 5 pitches at the rear. On the west side is a sizeable glasshouse, to the north and south of which lie the 2 areas of land subject of the notice. On the north side is an area of hardstanding (the area to the north) on which there is a portacabin used for storage by the Appellants. On the area to the south of this glasshouse (the area to the south) are caravans, boats and containers. At the time of my visit this area contained 8 metal containers, 2 portacabins, 5 touring caravans, 4 boat trailers a timber shed and a box trailer, all standing on hard surfacing. I was told the caravans and boats were not the Appellants', and the containers and portacabins were used by the general public for storage.
12. Starting first with the area to the north, the hard surfacing here has been extended towards the road and, to a lesser extent, towards the west boundary. To my mind though, given the size of the extended area relative to what was there before, and noting the landscaping adjacent, this increase is not sufficient to cause any visual harm to the surroundings and the hard surfacing now present is not unreasonably extensive on a horticultural enterprise such as this.
13. The portacabin on this area is more prominent when looking from the road and has a functional appearance. However, it is set against the glasshouse and, as a single discrete feature, it is not incongruous or dominant on this horticultural establishment or visually inappropriate in this rural context.
14. Turning to the area to the south, on the planning application the Appellants showed 11 storage containers and a sizeable area for caravan and boat storage. However, they have now confirmed they want no more than a maximum of 10 storage containers and a mix of up to 12 boats and caravans to be stored there. The 2 portacabins (or storage cabins as they were termed on the submitted plan accompanying Appeal A) and the shed would also be retained.
15. In my opinion, the containers and portacabins are of a functional and industrial appearance and, when grouped together in this way, they relate poorly to this rural landscape and little respect the horticultural character of the surroundings that is still apparent. Similarly the extensive area of hard surfacing appears visually harsh because of its size and finish. I accept that this area is screened to an extent by a mound to the west and by planting to the south and east, but these aspects of the works can still be seen to some degree and fail to reflect the character and appearance of this rural location. Moreover, the area to the south might well be small relative to the plot at No 107 but that in itself does not mean it is not sufficiently large to create an unacceptable adverse impact.
16. With regard to the caravans and boats they too are striking and discordant features within the rural landscape, as a result of their external finishes, their form and the manner in which they would be clustered together. Again, while the screening of the site is noted it is not sufficient to allay these concerns.
17. Policy 31 in the *Chichester Local Plan* says that on existing caravan sites winter caravan storage would be permissible, but the storage now before me would be throughout the year and would also be for boats. Moreover, the policy makes clear that the acceptability of such storage is on the basis that it would not

increase the impact of the use on the landscape character. However, the storing of potentially 12 caravans grouped together would, in my opinion, be far more dominant within the landscape than the current use of the relatively large caravan site for 5 dispersed pitches. Therefore, that policy does not offer a basis to accept this element of the scheme.

18. In assessing these impacts I am mindful the site could be developed for horticultural purposes. However, the presence of further glasshouses or other appropriate ancillary buildings need not be discordant in this area or contrary to the character of the surroundings.
19. Finally I accept that the timber shed is a small and discrete structure. However, mindful it was part of the application subject of Appeal A its use appears to be associated with the storage activities. Therefore, if those uses are to cease under the notice it would not be appropriate to retain the shed as it, in part, facilitates that use.
20. Moving on to the increased vehicle movements I have no basis to question that the storage containers and the stored caravans and boats would attract relatively little daily traffic, with those who use the site for storage likely to visit only occasionally. However, even this though is an additional flow to a use that need not be in this rural location but could be found in or adjacent to a settlement. I accept that if in an urban area the use may well still attract visitors in private motor vehicles, but it is likely such journeys would not be as long or would be linked with trips to other places or for other purposes. Therefore, to my mind the development causes an increase in vehicle movements that would be contrary to the aims of sustainability.
21. Concern was also raised by local residents against the traffic implications of the development. However, I have no reason to consider that First Avenue could not cope with the type of vehicles or the limited amount of traffic this development is likely to attract, and so severe harm would not be caused to highway safety.
22. To be balanced against the identified harm, the Appellants have said there is no demand for more glasshouses, and they have drawn attention to the Government's desire to promote the rural economy. I do not question that the commercial activity subject of these appeals is financially beneficial to the Appellants. However, no substantive evidence has been forthcoming to support the contention about demand or to highlight the scale of the economic benefits that result from the works. I also consider that any employment opportunities offered by the development are limited. Moreover, when the *National Planning Policy Framework* (the Framework) is read as a whole, the promotion of the rural economy has to be balanced against the need to recognise the intrinsic character and beauty of the countryside and the promotion of sustainable modes of transport. Therefore, taking these factors together the weight that should be given to any benefit to economic growth in this rural area is limited and does not outweigh the harm highlighted above.
23. I note too that Policy 45 in the Local Plan accepts sustainable development in the countryside under certain criteria, one of which is if it is well related to a farmstead or group of buildings. However, in the light of my findings above in relation to the location and the impact on the countryside I consider this development is not sustainable, while the glasshouse and the dwelling cannot

be defined as either a group of buildings or a farmstead due to their sizes, their function, their limited number and their relationship to each other.

24. Finally, in the Appellants' submissions I was referred to various examples of caravan and container storage in the area. However, my knowledge of those other developments is limited and the planning issues of each case differ, and so I consider they do not lead me to different findings now. I also noted the building just to the east that is used for business purposes. However, that had the appearance of being a converted former agricultural property, in which case the policy basis for assessing its commercial use would be different.
25. Accordingly I conclude that the extension to the hard surfacing in the northern area and the portacabin on that area do not detract unacceptably from the character or appearance of this rural location, and so do not conflict with Policies 1, 2 and 45 in the Local Plan. Moreover, I am aware of no conditions that need be imposed on these elements.
26. However, I also conclude that the storage of caravans, boats and containers on the area of hardstanding to the south cause unacceptable harm to the character and appearance of the countryside and are contrary to the aims of promoting sustainable modes of transport. In the absence of any material considerations to outweigh this harm I therefore conclude these aspects of the appeals are contrary to Policies 1, 2 and 45 in the Local Plan and the Framework.
27. To my mind what is before me in the northern area is distinct and severable from the remainder of the works I am considering. Therefore, with appropriate variations to the requirements, split decisions can be issued.

J P Sargent

INSPECTOR