

Appeal Decision

Site visit made on 5 October 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 11 November 2016

Appeal Ref: APP/N2739/W/16/3155908

Parkfields Nursery, Garden Lane, Sherburn-in-Elmet, North Yorkshire

- 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 Robert Parkin against the decision of Selby District Council.
 - The application Ref 2015/1362/FUL, dated 3 September 2014, was refused by notice dated 26 February 2016.
 - The development proposed is the siting of static caravan for the sole purposes of restroom and storage facilities/office to aid in the general day to day running of the nursery and smallholding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have abbreviated the description of the proposal in the application form, more concisely to describe the development.
3. As the development has already been carried out, I have considered this appeal as relating to an application made under S73A of the Town and Country Planning Act 1990, as amended.
4. The caravan the subject of the appeal rests on its own weight and there is no hardstanding underneath it. From what I have seen it is not a building and would not be "operational" development. However there is still development consisting of a change in the use of the land by placing a caravan on it. That is why planning permission is required.

Main Issue

5. The main issue is whether the development is sustainable having regard to its countryside location and any other material considerations.

Reasons

6. The appeal site is a rectangular area of land in the centre of a smallholding accessed off Garden Lane. The caravan occupies the appeal site which is adjacent to a greenhouse and a propagation ("prop") house. There is a pedestrian gate and another wider gate set back from the front of the site, where access is gained across a kerb of full height and a grass verge.
 7. It is undisputed that the land is outside village limits as set out in Selby District Core Strategy 2013 (CS) and therefore in the countryside. CS Policy SP2.A(c)
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states that development in the countryside will be limited to the replacement or extension of buildings, their re-use (preferably for employment use), and well-designed new buildings that would improve the local economy and enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or other special circumstances. Policy SP13 supports sustainable economic growth through local job opportunities or expansion of businesses.

8. CS Policy SP2.A(c) does not provide specifically for changes in the use of land such as the siting of the caravan, which do not involve the use of buildings, however special circumstances may exist to justify the development. It is convenient to consider this matter in terms of whether there are sustainable benefits from the development but also taking account of the appellant's circumstances.
9. The National Planning Policy Framework (Framework) at Paragraph 7 explains that there are three dimensions to sustainable development: economic, social and environmental.
10. The caravan is said to provide a secure, dry area to store produce, facilitate paperwork and to serve as a rest area. The appellant is clear that there are no current plans to operate a business from the site. Although he envisages that a small horticultural outlet might occur at some time in the future, no details are provided to suggest that a business is being carried on. The use of the caravan is in conjunction with the horticultural use of the land, which is essentially a hobby use. CS Policy SP13 is therefore not relevant as the development is not concerned with job creation or a business. No benefit accrues from the development in economic terms or in any material contribution to the vitality of the wider local community or other social benefit.
11. The submitted photographs show that the once dilapidated greenhouse that spans most of the width of the smallholding has been repaired, improving the site's rural appearance. Understandably the appellant wishes to continue to maintain and improve the smallholding which would have environmental benefits but I have doubts that the caravan is necessary for this purpose.
12. The appellant lives nearby. "Office" related activities would be minor and so could be carried on from home. It is not explained why produce not immediately required for consumption could not be stored in the greenhouse or the adjacent shed once it is made watertight. If extended periods of work make it inconvenient to return home I see no reason why space in the large greenhouse may not serve for rest or shelter. Overall I am not persuaded that the amount of accommodation is justified by the appellant's circumstances or what is reasonably necessary for the smallholding.
13. The Council does not object to the appearance of the caravan which is not intended for residential use. However from my observations and the submitted photographs, it is a long static van with several openings including two front doors and a bay window to a side elevation. A sitting out area is in front, separated from the main area of horticultural use, with a table and benches. The domestic appearance of the van and its siting in front of the greenhouse do not enhance the setting of this small scale rural development.
14. There would be an environmental benefit in the protection it offers from damage to the greenhouse suspected to have been caused in the past by stones thrown from the roadside. I sympathise with the concerns of the

appellant in this respect, however part of the greenhouse remains visible from the road so the protection is likely to be fairly limited.

15. The enjoyment of the smallholding is no doubt enhanced by use of the van, however in my view neither this nor the other considerations advanced by the appellant amounts to special circumstances necessary to justify its siting in the countryside. The development therefore conflicts with CS Policy SP2.A(c).
16. The open countryside is one of several assets which the CS seeks to enhance and whose intrinsic character is harmed by the development. The Framework recognises protection of the countryside as a core planning principle in Paragraph 17. As such clear environmental harm results from the development which outweighs the more limited environmental advantage in protecting the greenhouse. There are no social or economic benefits to the wider community or personal circumstances that are sufficiently compelling to outweigh the harm. I conclude that the development is not sustainable.

Conclusion

17. For the above reasons and having had careful regard to all other matters raised by the appellant the appeal is dismissed.

Grahame Kean

INSPECTOR