

---

## Appeal Decision

Site visit made on 29 August 2017

**by B.S.Rogers BA(Hons) DipTP MRTPI**

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

**Decision date: 08 September 2017**

---

**Appeal Ref: APP/X1355/C/16/3163404**

**Former Olivers Garden Centre, Holmhill Lane, Chester-le-Street,  
Co.Durham, DH2 3RQ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Mark Thomas Oliver against an enforcement notice issued by Durham County Council.
  - The enforcement notice was issued on 19 October 2016.
  - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from garden centre to a storage facility for caravans and motorhomes.
  - The requirements of the notice are:- a. permanently cease the use of the land for the storage of caravans and motorhomes; and b. permanently remove all caravans and motorhomes from the land.
  - The period for compliance with the requirements is four weeks.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- 

### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### The appeal on ground (a) and the deemed application

2. The appeal site is within the Green Belt and so the main issues are:
  - i. whether the change of use is inappropriate development;
  - ii. the effect of the change of use on the openness of the Green Belt and on the character and appearance of the area; and
  - iii. if the change of use is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
3. The appeal site is a roughly triangular area of land bounded by the main railway line to the east, the A167 dual carriageway to the north and Holmhill Lane to the west and south. Prior to the commencement of the use which is the subject of this notice, it was in lawful use as a garden centre.

4. The development plan comprises the saved policies of the Chester-le-Street District Local Plan 2003 (LP), in which Policy NE3 sets out the general extent of the Green Belt. Policy NE6 seeks to avoid harm to the visual amenity of the Green Belt and I see no significant inconsistency between this policy and the provisions of the National Planning Policy Framework (the Framework). The parties have also referred to Policy NE4, but as this deals with the construction of new buildings in the Green Belt, it is not relevant to this case.
5. Paragraphs 87-89 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. The Framework makes no provision for a change of use to a storage facility for motorhomes and caravans to be considered as one of the forms of development which are not inappropriate in the Green Belt. Therefore, the development is inappropriate and, by definition, harmful to the Green Belt.
7. At the time of my site visit, the use which is the subject of this notice had ceased. A large greenhouse remained in the centre of the site and 2 storage containers were sited in the southern part of the site. Much of the site was surfaced with hardcore. A wire security fence around 2.5m high had fairly recently been erected around much of the northern and western boundaries and there were columns housing floodlighting and cctv cameras. My assessment of the impact of the use on the openness and visual amenity of the Green Belt is therefore based on drawing no.16/77/201.RevA, submitted by the appellant. This indicates the storage of up to 111 caravans and motorhomes, the retention of the greenhouses as a sales area, the retention of a log cabin (which was not present on site) and parking for up to 18 customer cars.
8. The presence of a very substantial number of caravans/motorhomes and customer cars on site, with the attendant high security fencing, would in my view significantly reduce the openness of the site, one of the essential characteristics of the Green Belt. In addition to the loss of openness, the presence of the caravan/motorhome storage, together with the security fencing and floodlighting, would in my view harm the visual amenity of the Green Belt, given the elevated and very prominent position of the appeal site. The proposed screening would mitigate this impact to a limited degree only and would, itself, represent a prominent and incongruous feature.
9. The resumption of the lawful use of the site as a garden centre is a fall back position which I consider relevant. Whilst I acknowledge that outdoor sales and display of produce would be present were the garden centre to resume, this would be much more open in character than caravan/motorhome storage. The presence of customer cars would be common to both uses. It can not be assumed that any additional buildings would be permitted were the garden centre use to resume.
10. The Council acknowledges that this site is previously developed but the national policy encouragement to reuse brownfield land is not at the expense of reducing the openness of the Green Belt.

11. There is some evidence of a need for secure caravan storage, in the light of the risk of theft and the benefit of removing caravans from having to be stored in residential areas. I note that policy guidance quoted by the appellant, which has now been withdrawn, gave encouragement to such provision. However, I have seen no evidence to persuade me that this demand could not be met on more appropriate sites with less harm to the Green Belt.

*Other matters*

12. Third parties have pointed to potential highway safety issues arising from the use of the site by towed and large vehicles. With regard to a vehicle and caravan obstructing Holmhill Lane, I note that the site gates have been set back around 14m from the lane to prevent this. This is a matter that could be controlled by condition. The access to the nearby dual carriageway A167 is only possible southward, via a slip road which, although uphill, appears to allow for safe access. Whilst the right turn from the northbound carriageway into Holmhill Lane is inevitably more challenging, there is a suitable waiting area in the central reservation and I note that the highway authority has raised no objection to the development.
13. I have concluded that the development is inappropriate and, by definition, harmful to the Green Belt. In addition, it unduly diminishes the openness of the Green Belt and its impact is harmful to the character and appearance of the area, even by comparison with the fall back position of the resumption of the garden centre use. As such, the development is contrary to the provisions of the development plan and the Framework. The benefits of the proposal are not sufficient to outweigh the harm I have identified. Accordingly, the appeal on ground (a) and the deemed application must fail.

**The appeal on ground (f)**

14. The appellant contends that the Council could have under-enforced by attaching planning conditions to control the number of caravans, the area to be used or the screening. At one extreme, a minimal number of caravans, sited on a small part of the site, might be considered tolerable by comparison with the authorised use of the site as a garden centre. However, no such conditions have been suggested by the appellant to support a use of the site for caravan storage that might be considered viable. Moreover, the security fencing and lighting appear to be an integral part of the secure storage and would need to remain. Accordingly, I regard the requirements of the notice as being appropriate to address the unauthorised use of the site. The appeal on ground (f) fails.

**The appeal on ground (g)**

15. As the use had ceased at the time of my site visit, there appears to be no justification for extending the compliance period. The appeal on ground (g) therefore fails.

*B.S. Rogers*

Inspector