
Appeal Decision

Site visit made on 17 September 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/Z3825/W/19/3229555

The Milkyway, Valewood Lane, Barns Green RH13 0QJ

- 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 Damian Milkins against the decision of Horsham District Council.
 - The application Ref DC/19/0698, dated 23 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is described as the stationing of 4 No. storage containers to be used as office space, associated staff facilities, storage use, and toilet facilities, along with associated operational development comprising the cladding of the containers and the laying of hardstanding and decking, for a temporary period of 3 years.
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Decision

1. The Appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the proposed development had already been carried out and permission is sought for the continued use of the containers as office space. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be acceptable in principle in this location, having regard to local and national planning policy; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether the proposal would be acceptable in principle

4. The appeal site is located in the countryside and outside of the recognised settlements which are the focus for development as provided under Policy 2 of the Horsham District Planning Framework (2015) (the Local Plan).
5. Policy 26 of the Local Plan states that, in order to protect rural character and the undeveloped nature of the countryside, any proposal in the countryside must be essential to its countryside location and either support the needs of agriculture or forestry; provide for quiet informal recreational use; or, enable the sustainable development of rural areas.

6. The evidence before me indicates that the purpose of the development is to provide office space and associated facilities, in relation to a business which develops electronic applications for health and fitness. While there are some differences within the evidence as to whether all of the current employees work on a full time basis, I understand that the enterprise does employ approximately sixteen persons.
7. Whilst the proposal would provide accommodation and facilities for the employees, there is no substantive evidence before me which demonstrates that the appeal proposal requires a countryside location. However, Policy 26 of the Local Plan does provide some support for proposals in rural areas, specifically in relation to sustainable development.
8. In this regard, whilst the appeal scheme would enable accommodation of staff at the site, the appeal site is located in an isolated position within the countryside away from settlements and other businesses and, consequently, in my view it is unlikely that the proposal would support the vitality of the local rural community. Therefore, in terms of Policy 26 of the Local Plan, there is no evidence before me which demonstrates that the appeal scheme would enable sustainable development of this rural area.
9. Policy 10 of the Local Plan provides support for sustainable economic development in the countryside which maintains the quality and character of the area. Amongst other things, this policy provides that development should be contained, wherever possible, within suitably located buildings which are appropriate for conversion, or should result in substantial environmental improvement.
10. It has been put to me by the appellant that alternative existing buildings within the wider estate would not be sufficient for the needs of the business and that the containers, which have been converted for business use, are suitably located. However, as noted above, the appeal site is in an isolated location within the countryside. Furthermore, access to the appeal site is via a long driveway which requires that visitors cross a railway line, with the containers being positioned at the edge of a large open field, adjacent to woodland and away from any other existing buildings or structures.
11. In this instance, I therefore conclude that the appeal scheme is not suitably located in the context of Policy 10 of the Local Plan. Furthermore, due to the introduction of a substantial area of hardstanding and by reason of the likely distances that both employees and visitors to the business will have to travel by private motor vehicle in order to access the site, in my view the proposal would not result in an environmental improvement.
12. Whilst I acknowledge that the scheme would accord with some elements of Policy 10 of the Local Plan specifically in relation to the provision of parking, overall I find that, for the reasons given above, the proposal would conflict with Policies 2, 10 and 26 of the Local Plan.

Character and Appearance

13. The containers which would be used by the business, are located at the north western edge of a large open field. The containers form a cluster of structures, with separate toilet facilities being positioned in the north eastern section of the field and away from the remaining containers. A substantial area of

- hardstanding separates the containers from the grassed area of the adjoining field, with the elevations of the containers which face the open grassed field being finished with timber cladding. At the time of my site visit, the rear elevations of the containers did not appear to be finished in timber cladding.
14. Whilst individually the containers would not necessarily look out of place within the context of the countryside given their utilitarian character and appearance, the grouping of these containers would, by reason of their massing and spread across the site, result in a change to the character and appearance of this rural countryside area. This in combination with the substantial area of hardstanding, would result in the site appearing to have a more urban or industrial character.
 15. To the north of the position where the containers are sited, a narrow section of woodland adjoins the site. a public bridleway is located north of the narrow section of woodland and passes by the rear of the containers. Whilst I acknowledge that the containers and area of hardstanding would be partially screened by the narrow section of woodland, the site would still be visible from the public bridleway as it passes the site.
 16. For the above reasons, the appeal proposal would appear as an isolated urban development which would, in my view, detract from the quality of the surrounding countryside landscape. The proposed development, which is visible from the public bridleway, appears as an incongruous feature within the surrounding landscape and fails to integrate with its surroundings and, therefore, would be harmful to the character and appearance of this rural area and detrimental to local distinctiveness. I attach significant weight to the harm caused by the development to the character and appearance of the surrounding rural area.
 17. Therefore, I conclude that the proposal would conflict with Policies 25, 32 and 33 of the Local Plan which, together and amongst other things, requires that development be of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. Furthermore, the proposal would not accord with Policy 26 of the Local Plan with particular reference to the increased level of activity associated with the business and the scale of the area of hardstanding which would not be of a scale appropriate to this countryside location.

Planning Balance and Conclusions

18. As noted above, the appeal scheme provides business accommodation for employees and I attach moderate weight to this consideration in the determination of this appeal by reason of the number of employees which would use the site. However, there is no evidence before me which adequately demonstrates that the development requires an isolated countryside location. Furthermore, there is no substantive evidence before me which demonstrates that the proposal would enable sustainable rural development, nor provide any social or environmental benefits as described within the National Planning Policy Framework (the Framework).
19. Therefore, once these matters are considered together, the proposed scheme could not be considered to be sustainable development in terms of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.

20. Notwithstanding the above, I am mindful that permission is sought for a temporary three year period only, and as such the harm that I have identified in relation to the main issues would be reduced because the development would be temporary rather than permanent.
21. However, even on the basis of a temporary permission, the same types of harm would occur and the same matters which weigh in favour of the scheme would equally apply. The degree of harm to the character and appearance of the surrounding rural area would be significant and there are no substantive reasons given as to why the development must be located within the countryside. Accordingly, whilst the scheme would provide some economic benefits, they are insufficient to outweigh the harm I have identified in relation to the main issues, even when this is reduced to reflect the scheme's temporary nature.
22. For the above reasons, the proposal would conflict with the development plan when taken as a whole. There are no material planning considerations in this instance which would justify a decision other than in accordance with the Policies in the development plan. Therefore, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR