



Appeal Decision

Site visit made on 26 November 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/H0738/W/19/3237521

**Iris Gardens, Thorpe Leazes Lane, Thorpe Thewles, Stockton-on-Tees
TS21 3HY**

- 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 Michael Newberry against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 19/0050/REV, dated 10 January 2019, was refused by notice dated 8 April 2019.
 - The development proposed is erection of one greenhouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one greenhouse at Iris Gardens, Thorpe Leazes Lane, Thorpe Thewles, Stockton-on-Tees TS21 3HY in accordance with the terms of application Ref: 19/0050/REV, dated 10 January 2019, and subject to the conditions set out in the schedule attached to this Decision letter.

Main Issues

2. The main issues are:
 - whether the proposal is reasonably necessary for the purposes of sustaining the agricultural use of the site; and
 - the effect of the proposed development on the character and appearance of the countryside.

Reasons

Requirements of the agricultural business

3. The appeal site is located outside the limits of development in the local area and is agreed between the parties to be in agricultural use. As such, it is necessary to determine whether there is a justification for the proposed development in the open countryside with regard to it being necessary for the purposes of sustaining that agricultural use on the site.
4. The Council argues that according to accounts submitted to Companies House, the business relating to this appeal, 'Stockton Irises Limited', appears to have had very limited financial activity in recent years and that the balance of accounts records an amount of just £1. As such, it is stated by the Council that this does not reflect a fully functioning enterprise at the appeal site and therefore it cannot be argued that the proposed greenhouse is necessary to the purpose and sustainable operation of that agricultural (horticultural) business on the site.

5. The appellant states that the business referred to by the Council is dormant. However, the appellant is operating as a 'sole trader' at the site under the name 'Stockton Irises' which is an entirely separate entity from 'Stockton Irises Limited'. Evidence to support this has been provided by the appellant's business accountant.
6. From what I have seen and read, it is evident that the site is used for the growing of plants and flowers by the appellant for their business 'Stockton Irises'. Whilst from a wider perspective, I acknowledge that the site may be perceived as an overgrown area of land, from my visit around the site and its surrounding area I note that the land is in extensive use for various stages of planting and cultivation. Several planting beds across the site contain a range of plants and flowers contributing to the stock of the appellant's business. However, these are positioned amongst other plants and grasses, providing a wild and natural appearance to the planting. There is an existing greenhouse which, at the time of my visit, was housing a substantial number of Iris bulbs and other flowers and plants and also included a work station for the preparation and potting of these plants. Moreover, the greenhouse appeared to be at capacity in terms of its use and available space.
7. In addition, I noted on site some storage areas for equipment and materials relating to the operations and activities of the business, a building which has recently been granted a change of use to become an agricultural workers' dwelling and a parking area adjacent to the site entrance.
8. In light of the above, in my assessment I find the appellant to be operating an agricultural (horticultural) business at the site as a sole trader. The site is being planted extensively and managed as a nursery enterprise. Moreover, I find that the existing buildings are being used in connection with that activity and support the use of the site for such purposes. As such, I am satisfied that the proposed greenhouse would be used in connection with the existing agricultural (horticultural) nature of the site.
9. In their justification, the appellant states that the proposed greenhouse would receive a good level of light throughout the year, would positively enhance the beneficial use of the current activities taking place, increase capacity for its operations and provide an opportunity for a small rural horticultural business to develop. Furthermore, it is argued that it would retain and enhance the local landscape, visual amenity and biodiversity.
10. I have given due regard and weight to the above benefits. In addition, I have also noted that the proposed greenhouse is intended to be used to increase the current capacity of the appellant's business to grow plants from seeds, improve conditions for cultivation and provide protection for the plants from pests, weeds and inclement weather such as frost. The benefits of this include enhancing the ability of the appellant and their business to produce healthier and larger quantities of plants for sale. As a result, this would enable the rural business to be more productive and profitable and assist in achieving its long-term success.
11. I acknowledge the Council's concerns relating to the appellant's limited reasoning and lack of supporting information with regard to other methods of weed control and the protection of young plants from the elements and pests in open areas of the site. However, I find that the proposed greenhouse would increase the capacity for plant cultivation and management of pests in a more controlled environment. I also acknowledge the lack of details relating to a business plan, the scale of operations of the business, other local competitors and not the current capacity of the site.

12. Notwithstanding this, based on what I have seen and read including my observations on the site and its surroundings, in my assessment the proposed greenhouse would substantially assist in realising the benefits for the existing rural business identified by the appellant. Moreover, given the existing operational space, it is evident that there is a need for an increase in operational capacity, which would be provided by the proposed greenhouse, to enable the business to sustain and grow.
13. I acknowledge that the supporting information and evidence provided by the appellant is less than substantial in this case. Nonetheless, as a material consideration, I have also had due regard to the planning history of the site which includes previous applications and the findings of colleague Inspectors in previous appeal decisions which have been put forward by both parties. In doing so and having given due weight to this and all of the above, on balance, in my assessment an agricultural use and business is operating on the site. Furthermore, I find that the proposed greenhouse would be reasonably necessary to sustain that use and business and would support the rural economy as a result.
14. Accordingly, I conclude that the proposed development would be reasonably necessary for the purpose of sustaining agricultural use and the rural business operating on the site. As such, the proposal would represent the sustainable economic growth and expansion of a rural business of operation in an appropriate rural location. It would therefore comply with Policy SD4 of the Stockton-on-Tees Local Plan 2019 (LP) and Paragraph 83 of the National Planning Policy Framework (the Framework).

Character and appearance

15. The site is in a prominent and visible location at the crest of a rise in the local topography. As such, it is visible, albeit in a limited sense, from passing traffic travelling northwards on the A177. The site is also visible from approaches along Thorpe Leazes Lane, which runs adjacent to the southern boundary and to the south west of the wider appeal site.
16. Notwithstanding this, the proposed greenhouse would be similar in scale to the existing agricultural building and greenhouse on the site and would have a similar appearance to the latter. Furthermore, the proposed greenhouse would be positioned adjacent to, and north of, the existing greenhouse. As a result, this would limit its visual impact on the site and the surrounding countryside, particularly when viewed from the east and south. The proposed greenhouse, in any event, would appear as an agricultural building in the rural area and I find that it would not appear out of keeping with its immediate surroundings.
17. In addition, along the northern boundary of the site is a significant wooded area with boundary planting and a landscape bank. This provides further visual protection and enclosure of the site and therefore also of the proposed greenhouse. It would limit views of the proposal from the north and would also provide a backdrop of semi-mature trees and boundary planting to views of the proposal from the south. Whilst I accept that any planting is temporary and therefore cannot be fully relied upon to screen visual impacts, I note that this planting is well-established and there is nothing to indicate that this would be removed.
18. As such, I find that its scale, bulk and appearance, when considered individually or cumulatively with the other existing structures would not result in any material adverse visual or physical impact on the appearance or character of the site and surrounding countryside.

19. I acknowledge the Council's points relating to the proposed greenhouse being an over-development of the site due to the increase in mass and bulk of the built form on the wider site which the Council says has a limited area. Nonetheless, from my own observations, I find that the position, scale and appearance of the proposed greenhouse would substantively limit its visual and physical impact on the character and appearance of the site and surrounding countryside. It would be contained within the 'cluster' of the built form on the site and would not have a detrimental cumulative impact or appear visually obtrusive or incongruous in the rural landscape.
20. Taking all matters and evidence before me into account relating to this issue, I find that the proposed greenhouse would be of an acceptable scale, appearance and use for the agricultural nature of the site and surroundings. It would be in keeping with that agricultural use and the business operating on the site. Furthermore, it would not appear as an over-development of the wider site or an uncharacteristic addition to the wider landscape and countryside. Therefore, in the absence of any compelling evidence to the contrary, I am satisfied that the proposed greenhouse would appear proportionate and appropriate to its site and surroundings and, as such, it would result in no material harm in this respect.
10. Consequently, I conclude that the proposed greenhouse would have no significant adverse effect on the character or appearance of the countryside. Therefore, it would comply with Policies SD5 and SD8 of the LP. Amongst other matters, these policies seek to ensure that new development proposals protect or enhance their surroundings, are of an appropriate design and scale and have no other significant harmful impact on the characteristic qualities and appearance of the local area.

Conditions

21. I have considered the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.
22. In addition to the standard implementation conditions relating to time and accordance with approved plans, I have imposed conditions in relation to soft landscaping, restrictions on the use of the development permitted and its lighting, and the removal of the permitted building from the site were it to become redundant to its agricultural use. These conditions are reasonable and necessary for reasons of character and appearance and in the interests of visual amenity.
23. It is necessary that the requirements of Condition 3 are undertaken prior to the commencement of construction to ensure that the appeal scheme is acceptable in planning terms and in terms of visual amenity and character and appearance.

Conclusion

24. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should succeed.

A McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No: 4276 00A – 'Location Plan';
 - Drawing No: 4276 01A – 'Existing Site Plan'; and
 - Drawing No: 4276 06C – 'Proposed Site Plan'.
- 3) No development shall commence until full details of proposed soft landscape management has been submitted to, and approved in writing by, the local planning authority. The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules and a replacement programme for all landscape areas, including retained vegetation. Any vegetation within a period of five years from the date of completion of the total works that is dying, damaged, diseased or, in the pinion of the local planning authority, is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season. Landscape maintenance shall be detailed for the initial five-year establishment from the date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of twenty years. The soft landscape management plan shall be carried out as approved.
- 4) The use of the building hereby permitted shall be restricted to growing purposes only and shall not be accessed by the public for any retail purposes.
- 5) Lighting in relation to the use of the building hereby permitted shall only be used between the hours of 7am to 5pm during November to February and 7am to 8pm during March to October, except in emergencies or with the written consent of the local planning authority.
- 6) The development hereby permitted shall be removed and the land restored to its former condition within six months of it becoming redundant to agriculture.

END OF SCHEDULE