
Appeal Decision

Site visit made on 17 June 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/R0660/W/20/3244352

Grasslands Nursery, Free Green Lane, Cheshire East, Over Peover WA16 9QY

- 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 S Watmore against the decision of Cheshire East Council.
 - The application Ref 19/4242M, dated 5 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is a horticultural storage building.
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Decision

1. The appeal is allowed and planning permission is granted for a horticultural storage building at Grasslands Nursery, Free Green Lane, Cheshire East, Over Peover WA16 9QY in accordance with the terms of the application, Ref 19/4242M, dated 5 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 200-01, 200-02, 4026-01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details specified on the application form and approved plan 4026-01.

Application for costs

2. An application for costs was made by Mr S Watmore against Cheshire East Council. This application is the subject of a separate Decision.

Main Issue

3. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.

Reasons

4. The definition of agriculture in the Town and Country Planning Act 1990 includes horticulture. Therefore, if the proposed building is to be used for horticultural purposes then the proposed development would accord with Policy PG 3 of the Cheshire East Local Plan Strategy 2017 (LPS), Saved Policy GC1 of the Macclesfield Borough Local Plan 2004 (LP) and with Paragraph 145a) of The National Planning Policy Framework (The Framework), all of which define

buildings for agriculture as not being inappropriate development in the Green Belt.

5. The proposed building would be sited within the confines of the existing nursery, which is a substantial business operation covering a significantly sized land area. There are several other buildings close to where the appeal proposal would be constructed, in addition to extensive plant growing areas. The proposed building would be used for purposes in conjunction with the growing of the plants at the nursery and with the processes associated with their subsequent sale and delivery. The products which are sold by the business are predominantly those which it produces.
6. In this context, the proposal would be a component of the horticultural use at the nursery and not a standalone building to be used for storage and distribution purposes. Accordingly, the use of the proposed building would be for horticultural purposes. Whilst the Council does refer to the use of other buildings on the nursery site and to an increase in online sales in recent years, they provide no substantive evidence to demonstrate that the proposed building alone, or in conjunction with these existing buildings, would not be used for horticultural purposes as part of the wider nursery operation.
7. I therefore conclude that the proposed building would be used for horticultural purposes and accordingly that it would be a building for agriculture. It would not be inappropriate development in the Green Belt and would accord with Policy PG 3 of the LPS and Policy GC1 of the LP. The exception set out in Paragraph 145a) of The Framework would also be met. As the proposal is a building for agriculture, there is no policy requirement to undertake any further assessment of the impact that would arise upon the openness of the Green Belt or against the purposes of the Green Belt.

Conditions

8. Conditions setting out a time period for commencing the proposed development and confirming the approved plans are required to provide certainty. A condition relating to external facing materials is necessary to ensure that the proposal is of an appropriate external appearance. The Council has also made suggestions relating to Environmental Protection matters. Given the location of the site in relation to other built development and the scale of the proposal, it is not necessary to control these matters by planning conditions.

Conclusion

9. For the reasons given above, I conclude that the appeal should, subject to conditions, be allowed.

Graham Wraight

INSPECTOR