



Appeal Decision

Site visit made on 20 August 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/J2210/W/20/3251593

Gardeners Paradise Nursery, Stodmarsh Road, Canterbury, Kent CT3 4AP

- 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 R. Chandler against the decision of Canterbury City Council.
 - The application Ref CA/19/02008, dated 11 October 2019, was refused by notice dated 12 December 2019.
 - The development is the change of use of land for the storage of caravans.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description used above has been taken from the appeal form and the Council's decision notice and appears to have been agreed by both main parties. Although the stated use has already commenced and I shall determine the appeal on a retrospective basis, I have omitted the word 'retrospective' from the description as this does not represent an act of development. On visiting the site it was apparent that motor homes and other vehicles were present at the site as well as caravans. In this regard, I have determined the appeal on the basis that the use is as described above.
3. The evidence before me indicates that the application was not submitted on the basis that the use would occur for a temporary period. Therefore, whilst the appellant's submissions indicate that they now wish the development to be considered on the basis that the use would occur for a temporary period, I will determine the appeal in accordance with the terms of the application as it was submitted unless otherwise stated.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the site and the surrounding area.
 - The supply of agricultural land.
 - Biodiversity and nature conservation

Reasons

Character and Appearance

5. Stodmarsh Road is located in a rural setting, featuring dwellings on large plots and intermittent commercial uses at one side of the road and a golf course to the other.

One of the commercial uses is the nursery use that exists on the land that is shown to be within the appellant's control which features several large buildings and circulation areas. The appeal site is located to the rear of the nursery and consists of an area of flat land that is enclosed by hedges and chainlink and mesh fencing. A track leading through the centre of the site connects to a route that passes through the nursery and connects to Stodmarsh Road. As set out above, the land has been used for the storing of caravans but prior to that, the evidence before me indicates that the land featured no built form and, as such, is likely to have contributed positively to the overall rural character of the area.

6. The use of the site for the storage of caravans which, by their nature, are bulky and inconsistent in appearance, represents a substantial incursion onto the otherwise undeveloped land. Although the positioning of caravans would not be fixed, the shape of the site and the need for them to be accessible limits the manner in which they can be stored. This arrangement causes the stored caravans to sprawl away from the rear of the existing nursery and far further from the road than the surrounding built form.
7. The nursery, the adjacent dwellings and the hedges and fences that enclose them provide a visual barrier that largely restricts views of the main part of the appeal site from Stodmarsh Road. Similarly, whilst the appellant has identified that the caravans can be partially seen at a distance from a nearby public footpath, the substantial tree coverage of the land to the rear of the site and the hedges within surrounding plots ensures that the site is only viewed from the local area. However, the caravans are visible from the land adjacent to and surrounding the appeal site and, from those vantage points, the storage of caravans represents a substantial and harmful intrusion into the rural character of the locality. Therefore, whilst I have had regard to a Scottish appeal decision¹ that has been highlighted by the appellant which relates to the relevance of views of land from above, this does not alter my assessment of the effect of the development on the character and appearance of the site and its surroundings.
8. Whilst I recognise that the hedge at one boundary of the site provides screening of the caravans and there would be potential to provide planting at the other boundaries of the site to provide similar screening, the mitigation that this would afford would be seasonal and would not wholly avoid the sprawl of caravans having an effect on the rural character of the locality.
9. For these reasons, the development has had an unacceptable effect on the character and appearance of the site and the surrounding area. The development is therefore contrary to policies SP4 and DBE3 of the Canterbury District Local Plan 2017 (The CDLP) which together require that development is focused at locations within urban areas or at rural service centres or local centres and is integrated into the landscape having regard to the character, setting and context of the site. The development is also contrary to The National Planning Policy Framework (The Framework) which states that development should be sympathetic to local character and recognise the intrinsic character and beauty of the countryside.
10. Having regard to the appellants suggestion that planning permission be granted on a temporary basis and paragraph 54 of The Framework which indicates that consideration should be had as to whether conditions could be imposed to make development acceptable, given the harm that has been identified and as it would not be reasonable to require planting mitigation to be provided to mitigate a temporary permission, I do not find that the harm caused should be found acceptable even on a temporary basis.

¹ LBA-230-2169

Agricultural Land

11. Policy EMP12 of The CDLP states that the best and most versatile farmland will be protected for the longer term. In this regard, the appeal site represents a relatively small parcel of land in the context of modern agriculture and the appellant's submissions identify that the land was formerly 'regularly managed improved grassland' that has not been used for agricultural purposes. Given the small size of the site and the surrounding land uses, I have no basis to conclude that the site would be put to use as farmed land or make a substantial contribution to agriculture in the future.
12. The main parties disagree as to whether the land is designated as Grade 2 agricultural land and I have been provided with no conclusive evidence in this regard. However, even if I proceed on the basis that the land is designated as Grade 2 agricultural land, minimal harm has been caused by the use of the land in a manner that does not accord with the abovementioned policy. Consequently, the development has not had an unacceptable effect on the supply of best and most versatile agricultural land.

Biodiversity

13. The application was refused due to it having not been demonstrated that the development has not had an unacceptable effect on biodiversity and nature conservation. However, the appeal has been accompanied with a Preliminary Ecology Appraisal (The PEA) which identifies that the biodiversity value of the site could be enhanced through the provision of wild flower planting, log piles and wildlife shelters. The suitable management of the hedgerow would also be required.
14. On the basis that the land at the site was previously kept as regularly managed improved grassland and The PEA identifies that a net gain of biodiversity and nature conservation can be achieved, if the appeal were allowed, it would be possible to impose a condition to address this matter. The Council have subsequently reached the same conclusion.
15. Consequently, the effect of the development on biodiversity and nature conservation could be made acceptable and would, therefore, accord with policy LB9 of The CDLP which requires that development avoids a net loss of biodiversity and actively pursues opportunities to achieve a net gain.

Other Considerations

16. The appellant has suggested the storage use at the appeal site represents the expansion of an existing business in a manner that accords with Policy EMP4 of The CDLP. However, the support for such development provided by that policy is subject to there being no significant environmental, amenity or landscape reason for that expansion to not occur. For the reasons set out above, I find that the development does not accord with that part of the policy.
17. It has also been suggested that the storage use represents a form of diversification that is supported by paragraph 83 of The Framework and assists the financial performance of the adjacent nursery use. In this regard, it has been suggested that, without the contribution from the storage use, the ability of the nursery to operate and employ staff could be affected. In this respect, I acknowledge the appellants and interested parties comments relating to the effect of the Covid-19 pandemic on the nursery business and the increased attraction of caravan holidays and the importance of supporting the economy and retaining jobs, including indirect jobs such as the employment of a person training people to drive with a

caravan. However, the evidence provided in these respects is anecdotal and does not amount to any form of financial appraisal. As such, whilst I consider that these factors represent benefits of the development, I am not able to afford those benefits more than limited weight.

18. Similarly, in the absence of financial forecasting or evidence to demonstrate that it is likely that the performance of the nursery would improve, I give little weight to the suggestion that the use be allowed to continue on a temporary basis on the grounds that it would enable the nursery operation to recover from financial difficulties or give existing staff time to find new employment.
19. The submissions of the appellant and the representations supporting the development identify that there are few caravan storage facilities available and that the operation occurring at the appeal site represents an affordable and secure facility that users of the site find to be conveniently located. I also recognise that the use of a designated storage facility may avoid difficulties arising from the storage of caravans in other locations. However, I have no basis to conclude that the appeal site is the only suitable location for such a development to occur and, therefore, these factors do not lead me to reach a different conclusion in respect of the main issues.
20. Although the development causes additional traffic movements, the evidence before me and the nature of the use does not lead me to conclude that this represents a substantial increase in vehicle movements in comparison to those that already occur as a result of the nursery use and I have no basis to conclude that those movements reduce highway safety. Similarly, I recognise that the continued use of the site for storage purposes, with no vehicle maintenance or repairs occurring at the site, would have a negligible effect on the living conditions of nearby residents. However, as being acceptable in these respects should be expected of all development, these are neutral factors that do not weigh in favour of the development.

Planning Balance and Conclusion

21. Whilst the visual effect of the use of the land for the storage of caravans is localised, from where it can be seen it causes significant harm to the rural character of the site and the surrounding area which I afford significant weight. From this basis, whilst the use of the land for the storage of caravans is acceptable in some respects, brings about some benefits as set out above and could lead to a net gain in terms of biodiversity and nature conservation, those positive aspects of the use do not outweigh the harm that has been identified.
22. Therefore, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR