



Appeal Decision

Site visit made on 26 January 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/P2935/W/20/3259286

Heritage Nursery Gardens, The Coop, Stamfordham Road, Eachwick, Northumberland NE18 0BG

- 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 Robert English (Heritage Nursery) against the decision of Northumberland County Council.
 - The application Ref 20/01814/FUL, dated 11 June 2020, was refused by notice dated 11 August 2020.
 - The development proposed was originally described as 'Proposed minor alterations to site layout with parking changes, secure tool storage and nursery materials, new security gates and polytunnel amended.'
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The description of the development set out on the application form and in the Banner Heading above was amended by the Council and described on the notice of refusal of planning permission as 'Proposed alterations to site layout with parking changes, secure tool (and nursery materials) store position, hardstanding and size amended, new security gates and polytunnel amended.' This revised description has been included within the appellant's appeal form. I have assessed the proposal on that basis.
3. I note the concerns of the Council with regards to 'operations on site that may not fall within agricultural purposes.' However, the appeal relates to development on the site in association with its original permission as a horticultural nursery, and I have considered it on that basis.
4. At the time of my visit, part of the development had been carried out. The polytunnel was in place with hardstanding below. Additionally, a demountable building was positioned on site. The appellant's Statement of Case refers to the use of this building as office and site security. It is not the same building as illustrated on the submitted plans that permission is sought for. I have determined the appeal on the basis of the submitted details.

Main Issues

5. The main issues are:

- Whether the appeal scheme would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, (the Framework) and any relevant plan policies; the effect on the openness of the Green Belt; and, if the appeal scheme is inappropriate development, if any other harm would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances necessary to justify the development; and
- The effect of the appeal scheme on the character and appearance of the area; and
- Whether or not there is a land contamination risk.

6. In respect of the first and second Main Issue, the dispute between the parties centres on the proposed store building. The Council has raised no objection to the other elements of the appeal scheme in terms of Green Belt harm or the effect upon the character and appearance of the area. Based on the evidence before me I see no reason to take a different view. My consideration of the first two Main Issues, as set out below, therefore focuses on the store building.

Reasons

Whether or not store building is inappropriate development

7. The site is located within the Green Belt as well as within the open countryside. At paragraph 145 of the Framework, it states that the construction of new buildings within the Green Belt should be regarded as inappropriate unless the development falls within certain listed exceptions.
8. With regard to the exception in paragraph 145 (a), the Framework does not set out any limiting criteria relating to the size of buildings or any other matters. As a general principle, therefore, I am required to consider the proposed development as applied for, unless there is evidence that firmly indicates that the building would not be used for agriculture or forestry.
9. The Council confirm within their Delegated Report that the purpose of the proposed store building would be for agricultural purposes.
10. Accordingly, on the basis of the information before me, there is no clear evidence to suggest that the proposed building would not be used for agriculture, (which, for the purpose of this appeal, includes horticulture) as applied for. Consequently, I must conclude that it would accord with paragraph 145 (a) and, therefore, it would not be inappropriate development in the Green Belt for the purposes of the Framework.
11. The effect on openness is implicitly taken into account in the exceptions included in paragraph 145 of the Framework unless there is a specific requirement within those exceptions to consider the actual effect on openness. In the case of Framework paragraph 145(a) the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness. Therefore, as I have found the store building to be not inappropriate development, there is no specific requirement to assess the impact of the development on the openness of the Green Belt. Furthermore,

there is no requirement for me to assess any other harm in this context, and no very special circumstances need to be considered.

12. To conclude on this main issue, on the basis of the information before me, there is no clear evidence to suggest that the store building would not be used for agriculture, as applied for. Consequently, it would accord with the Castle Morpeth District Local Plan (LP) Policy C17 and paragraph 145 (a) of the Framework as it would not be inappropriate development.

Character and appearance

13. The appeal site is a small-scale nursery located within the designated open countryside. The character of the area is rural with some built development opposite, although to this side of Stamfordham Road is otherwise undeveloped land that takes on an open and agricultural appearance. Although, as I explain in paragraph 4 of this Decision, a modular building was on site during my visit, apart from this, what is present on site is low level in nature and visually unobtrusive, and the site overall blends with the rural character of the area.
14. From the submission before me, the proposed store building is described as a 'cabin' facility at approximately 6000mm x 25000mm. The footprint, volume and overall bulk would be substantially greater than the original tool shed at approximately 3000mm by 2500mm. It would be located broadly within the middle of the site and perpendicular to Stamfordham Road. From the submitted plans, it would take on an industrial appearance.
15. Given its scale, height and prominent position, it would be seen from outside the site and would visually jar with the otherwise rural and open environment, thus physically changing the rural characteristics of the site to one of a more industrial sense of place. It would not be a sympathetic addition to this rural environment and, as a consequence, would represent visually intrusive development that would lead to harmful encroachment into the countryside.
16. The appellant explains he needs both a tool shed with welfare facilities. However, there is nothing before me to demonstrate this could not be achieved via an alternative solution. The appellant refers to other buildings previously located on site although there is no evidence presented of these. I note the appellant's stated willingness to reach a suitable design resolution with the Council, however, as is my duty, I am required to consider the proposal before me.
17. To conclude, I have found that in respect of the proposed store building, it would be harmful to the prevailing rural character of the area, in conflict with the aims and objectives of the Framework to achieve well designed places.

Land contamination

18. The Council's Public Protection consultee states that there is potential for the site to be contaminated by previous activities that occurred at the site giving rise to land contamination.
19. Given new surface treatment has been laid, the appellant has provided no evidence to demonstrate that the land is clean and there is no threat to human health from the risk of contaminated land. Therefore, to conclude, given the lack of evidence presented, it is in conflict with the LP Policy RE8 and the

Framework in their combined objectives to ensure the site is free from contamination and suitable for development.

Other Matters

20. The appellant's commitment to water harvesting methods on site and recycling of garden waste is recognised as well as the employment potential at the site, albeit there is little information presented on this element. The letter of support is also recognised. Nonetheless, these factors do not lead me to reach an alternative decision on the proposal.

Conclusion

21. Taking all matters into consideration, for the reasons I have given, the appeal is dismissed.

Alison Scott

INSPECTOR