



Appeal Decision

Site Visit made on 27 April 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2021

Appeal Ref: APP/H1705/W/20/3264050

Cottismore Garden Centre, Newbury Road, Kingsclere, RG20 4SY

- 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 Rupert Holtby (Greenham Trust Ltd) against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 19/03353/FUL, dated 16 December 2019, was refused by notice dated 29 May 2020.
 - The development proposed is 'Change of use from a garden centre to a secure storage for hire facility using up to 195 mobile shipping containers, with 2.4m high gated access, 1.8m high security fencing and boundary screening'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development as detailed on the application form has been amended in subsequent documents. I have adopted the description included within the appeal form, which reflects the extent of the proposal before me more precisely.

Main Issues

3. The main issues are the effect of the proposal on:
 - the landscape character and appearance of the area and the outlook from the neighbouring properties known as Crookfur Cottage and Dukes House; and
 - highway safety.

Reasons

Character and appearance

4. The appeal premises form part of a larger site which has previously been in operation as a garden centre and café. The site has been largely vacant since 2017, whilst the adjacent area to the south is presently occupied by a local gardening charity. There is a small business park sited immediately adjacent to the A339, but the appeal site lies further away from the public highway, within an area of rural character. It is to a large extent surrounded by mature landscaping and open fields, with woodland copses further afield.

5. The site falls within the Ecchinswell Landscape Character Area, which is defined by its mostly well-wooded, unharmed, rural character giving distinctive sense of place, the tree cover creating inclusion and intimacy, and decreasing the impact of occasional roads or buildings, except near the A339. As described within the submitted Landscape and Visual Appraisal¹ (LVA), the site is considered to form part of a landscape of medium value with a moderate susceptibility to change, resulting in medium sensitivity.
6. The proposed development would alter the character and appearance of the site to a significant degree, having particular regard to the number of shipping containers which would be arranged in a regimented manner on a large hardstanding area, covering a major part of the site. By their very nature, the shipping containers would appear as incongruous urban structures, which would detract from the character and appearance of the countryside.
7. The presence of such a substantial facility comprising rows of shipping containers would give the site a utilitarian and harsh industrial appearance, and would be generally perceived as an alien and discordant feature, which would harmfully contrast with the rural character of its surroundings. The harm identified would be compounded by the security measures and paraphernalia associated with the proposed use.
8. As detailed within their consultation response, the Council's Landscape Team was satisfied that the impact of the development on the area's landscape character and scenic quality would be successfully mitigated. It is accepted that the reduction to the overall number of containers would provide space for additional landscaping along the site's western and southern boundaries. However, such mitigation measures would only partially screen the visual impact of the proposal, and would not entirely mitigate the harm to the character of the area caused by such incongruous features. In particular, the development would remain widely visible from its southern aspect, as shipping containers would be located right on the boundary shared with Cottismore Nursery.
9. The appeal scheme also relies on the existing office building and greenhouse to screen the proposed development from the eastern boundary, but views would still be obtained, notably as gaps between the buildings would remain. The industrial aspect of the site would therefore be visible in a number of public views, notably from the public right of ways on the northern and eastern boundaries.
10. The adverse effect resulting from the proposed development would also impact negatively on the living conditions of neighbouring residents. The front elevations of Crookfur Cottage and Dukes House face towards the appeal site. Despite the presence of mature landscaping along the northern boundary of the site, the containers would appear visually intrusive to the occupiers of these neighbouring properties, especially during the winter months, and adversely affect the enjoyment of their property.
11. Although additional landscaping would be positive, it would not be able to screen the development sufficiently in a reasonable timeframe or mitigate the effect to the extent that the development would not be harmful. A condition restricting the colour of the shipping containers may assist with reducing the

¹ Indigo Landscape Architects (Reference 897-LVA 2019-12-16 Revision B – December 2019).

prominence of these structures to some extent, but it would not alone overcome the harm which the appeal scheme would cause to the rural character and appearance of the area, and the outlook presently enjoyed by neighbouring residents.

12. In reaching this view, I have taken into consideration the planning permission² which has previously been granted by the Council for the change of use of the garden centre to a contractor's yard, and remains extant. However, as shown on the proposed block plan (Revision C, dated 19 May 2017) for this scheme, the extent of the storage area would remain confined to the rear of the greenhouse.
13. Additionally, this drawing shows that the area to the western part of the site would be used as an open air plant nursery. As such, an important aspect of the agricultural/horticultural use of the site would remain if this consent was to be implemented. Having regard to the available information, I am therefore not certain that the circumstances of the extant scheme represent a direct parallel to the appeal proposal.
14. For the foregoing reasons, the proposed development would unacceptably harm the landscape character and appearance of the area, and the outlook from the neighbouring properties known as Crookfur Cottage and Dukes House. It would therefore be contrary to Policies EP1, EP4, EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029³ (LP) and paragraph 127 of the National Planning Policy Framework (the Framework). Amongst other things, these require development proposals in the countryside to be well designed, and of a use and scale that is appropriate to the site and location, whilst being sympathetic to the character and visual quality of the area. The appeal scheme would also conflict with Policy K6 of the Kingsclere Neighbourhood Plan 2011-2029⁴, which seeks to ensure that development proposals retain and protect the landscape character of the Kingsclere neighbourhood area.

Highway safety

15. The appeal site is accessed via the A339, a single carriageway which in this location is subject to a 50mph speed limit. As detailed within the appellant's Transport Statements⁵ carried out by RGP, the volume of traffic associated with the proposed development would be reduced, compared with the garden centre or recently approved contractor's yard uses. It is therefore accepted that the number of trips generated as part of the appeal proposal would be reduced.
16. However, and whilst there is no objection from the Local Highway Authority to the proposal, the appeal scheme lacks detailed information regarding the type of vehicles which would have visited the garden centre, other than customers travelling in private motor vehicles. In particular, it remains unclear whether as part of the previous use, the site would have received deliveries from large vehicles. Similarly, it cannot be simply assumed that the extant consent would generate HGV traffic of a similar nature to the proposed development. This is to my mind critical, given the condition and width of the existing track to access the site, the geometry of the junction with the A339, and the speed limit along this 'A' road.

² Local Planning Authority Reference 18/02192/FUL.

³ Adopted May 2016.

⁴ October 2018.

⁵ GRTL/18/4292/TS02, dated December 2019 and GRTL/18/4292/TS01, dated July 2018.

17. As part of my site visit, I was able to observe that the width of the access onto the A339 has been reduced, which would restrict the ability for larger vehicles to enter and leave the site in a safe and convenient manner. The proposed use would notably require shipping containers to be transported to and from the site, as part of the initial construction phase. Although it is suggested that containers would not be moved frequently during the operation of the development, there would be no mechanisms to restrict such movements.
18. In the absence of substantive information to the contrary or appropriate mitigation measures, I find it likely that in practice, such vehicles travelling northbound on the A339 would, by reason of their size and the restricted width of the access, have to move over into the oncoming lane in order to manoeuvre into the private track in a single turn, thus increasing the risk of conflicts with other users of the highway.
19. Whilst a very limited number of collisions appears to have been recorded in this area over the last few years, these data have to be treated with caution, especially because incidents involving motor vehicles may not all have been reported. And even accepting that accidents may not have happened frequently in the past, this does not eliminate the possibility of them occurring in the future.
20. The appellant's submissions have suggested a condition restricting the number of HGV trips to and from the site and requiring the keeping of a log of movements. However, limited evidence has been presented to demonstrate how this would function in practice, particularly as it could unacceptably compromise the operation of the use for which consent is being sought. Additionally, it would be unreasonably onerous or practically impossible for the Council to monitor the compliance and detect a breach of the condition. For these reasons, the suggested condition would not meet the tests of enforceability and reasonableness. Furthermore, due to the concerns I have identified regarding the effect of the development on highway safety, I would not be prepared to leave the acceptability of such matter to a condition requiring the submission of a traffic management plan.
21. Given the above, it is my view that the proposed development would have an adverse effect on the free flow of traffic and compromise highway safety. It would therefore fail to accord with LP Policies CN9 and EM10 which notably require development proposals to provide safe, suitable and convenient access for all potential users. It would also be contrary to paragraph 109 of the Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.
22. The concerns raised by the Council regarding the safety of users of the public rights of way during the construction phase are noted. However, had the development been considered acceptable in all other respects, I am satisfied that this consideration could have been satisfactorily addressed through the imposition of a suitably worded condition requiring the implementation of a traffic management system during the construction of the development to protect users of the public rights of way.

Planning Balance and Conclusion

23. The proposed development would support the rural economy to some degree and enable previously developed land to be brought back into use. However, by

reason of the nature and scale of the development, there would also be significant, long-lasting harm to the landscape character and appearance of this area and neighbouring residents. It would also compromise highway safety. The appeal scheme would not accord with the development plan read as a whole, and it would not, therefore, constitute sustainable development.

24. The benefits associated with the proposal would be outweighed by the harm which I have identified, and there are no considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR