



Appeal Decision

Site visit made on 7 June 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2022

Appeal Ref: APP/G1630/W/22/3292230

Manor Farm, Southam Lane, Southam, Gloucestershire, GL52 3PB

- 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 Mike Jenkins against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00982/FUL, dated 29 July 2021, was refused by notice dated 13 December 2021.
 - The development proposed is farm diversification involving the storage of caravans and motorhomes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the decision notice and appeal statement the development was described as 'change of use of a portal framed agricultural building and land adjacent to west and south for the storage of caravans and motorhomes together with the siting of 6 no. storage containers (part retrospective)'. This more accurately describes the proposal as shown on the drawings and is the basis on which the Council determined the application. I will consider the appeal in the same way. Notwithstanding this variation, the location and layout of the proposed development is clear from the submitted drawings. The appeal has been determined on the basis of the submitted drawings.
3. The appeal form gave the appellant name as Mr N Jenkins. It has been confirmed that this was a mistake and should have been Mr M Jenkins. The applicant and the appellant are the same person.
4. At the time the Council decision was made and the appeal was submitted, the Tewkesbury Borough Local Plan 2011-2031 (LP) was at an advanced stage of examination but had not been adopted. Emerging plans within it were given due consideration. The LP was subsequently adopted on 8 June 2022. The courts have confirmed that Inspectors need to make their decisions on the basis of the development plan in place at the time of their decision, which is now the recently adopted LP. The Council and the appellant have had the opportunity to comment on this.
5. The application was refused on the basis of Policies SD5 and SD6 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2011-2031 (2017) (JCS); Saved Policy LND3 of the Tewkesbury Borough Local Plan to 2011 (March 2006); and Policy LND1 of the Tewkesbury Borough Local Plan 2011 – 2031 Pre-Submission Version (October 2019).

6. The Council have subsequently confirmed that LDN1 should have been LAN1 and that reference to Policy RES10 was made in error and is not of relevance.
7. Policies SD5 and SD6 remain as part of the JCS. Saved Policy LND3 is no longer part of development plan policies with special landscape area matters covered by Policy LAN1 of the now adopted LP. There have been no changes to Policy LAN1 between the pre-submission version and the version in the adopted LP. Policy GRB4 has also been introduced to the LP and is of relevance to the appeal. Therefore, the relevant policies against which this appeal will be determined are SD5 and SD6 of the JCS and GRB4 and LAN1 of the LP.
8. At the time of my site visit, five storage containers were on site along with 6 caravans inside the building and 9 caravans and motorhomes outside of the building. Notwithstanding this, the appeal has been determined on the submitted drawings which propose 6 storage containers, plus 10 caravan or motorhome bays inside the building and 13 outside.
9. The caravans are touring caravans on wheels and they and the motorhomes are evidently moveable. The containers are of a modest size and appear to just be placed on the land. I have no evidence to confirm how long these items have been on site. On the basis of the information provided and my site visit, I have considered the caravans and containers as a use of the land.

Main Issues

10. The appeal site is located within land defined as Green Belt and is in a Special Landscape Area. Therefore, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect on the openness and purpose of the Green Belt;
 - The effect of the proposal on the Special Landscape Area; and
 - If the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

11. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development within the Green Belt is inappropriate, with certain exceptions that are set out in Framework paragraphs 149 and 150. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
12. Policy SD5 of the JCS is in fully accordance with the Framework and specifies that development in the Green Belt will be restricted to those limited types of development which are deemed not to be inappropriate by the Framework, unless very special circumstances can be demonstrated. Policy GRB4 also reflects this.

Whether or not it is inappropriate development, including effect on openness and purpose

13. Paragraph 150 of the Framework specifies that certain forms of development are regarded as not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Material changes in the use of land are covered by paragraph 150 e). The proposal is for a change of use, so the key assessment is whether the proposal would preserve the openness and purpose of the Green Belt.
14. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is part of an agricultural holding, accessed via a long track off Southam Lane. Southam Lane is to the north of the site and on higher ground. There is a dwelling a short distance to the north, but otherwise the site is surrounded by fields. Directly to the south of the site is a dense line of mature trees. To the west and north, it is open to fields, divided only by post and wire fencing. To the east, outside of the site but undivided from it, is an agricultural building¹, with intermittent trees and hedges beyond that. Within the appeal site there is a steel agricultural building, open on one side. I am informed this was previously used to isolate cattle. Around this building the land is surfaced in gravel. Whilst the site and land directly joined with it contains agricultural buildings, the openness of the Green Belt is clearly evident around the site and in the wider area.
15. The effect of a development on openness is not confined solely to permanent physical works. The Council has accepted that storage of caravans within the former agricultural building on site is acceptable. I consider in principle that the re-use of this building would have no adverse effect on the openness of the Green Belt and would preserve it. I will therefore focus my assessment on the proposed storage use outside of the building.
16. The proposal would allow for outside storage of caravans, motorhomes and containers to occupy an area of the site that would be significantly larger than the footprint of the existing building. In addition, the predominantly white and reflective nature of the caravans would contrast significantly with the greenness of the fields and trees which surrounds the site. The trees to the south and the agricultural building to the east partially restrict visibility of the proposal. Despite this, it would be visible from the access track and fields to the west and north, and to a lesser extent from fields and tracks to the east. I am informed that the site is also visible from longer distances. The collective mass of the caravans, motorhomes and containers would inevitably lead to a harmful loss of openness, both visually and spatially.
17. Caravans and motorhomes would move on and off site, but as it would be a storage facility it is reasonable to assume that each would be on site for a significant proportion of the year and at any one time several would be present. Therefore, even when not all proposed bays were occupied, openness would still be reduced. Despite the items being located close to the existing building on already gravelled land, the proposal would add significant mass to the site across a wider area than is currently occupied by the building, and closer to the site edge. This has a fundamentally different impact to a gravelled but otherwise open yard area. As such, in addition to reducing openness, the

¹ At the time of my site visit, it housed cattle.

proposal would fail to safeguard the countryside from encroachment, which is one of the purposes of the Green Belt.

18. For the above reasons, the proposal does not preserve Green Belt openness and conflicts with a purpose of including land within it, so fails to meet the criteria for Framework paragraph 150 e). I conclude it would be inappropriate development in the Green Belt. Accordingly, there would be conflict with Policy SD5 of the JCS and GRB4 of the LP and those principles of the Framework that seek to restrict inappropriate development in the Green Belt unless very special circumstances clearly outweigh the potential harm to the Green Belt (as assessed below).
19. Inappropriate development in the Green Belt is, by definition, harmful. However, as set out above, the proposal would not be highly visible from outside of the site and is confined to a gravelled area next to a building. As a result, the degree of harm to Green Belt openness and purpose would be moderate, to which, in accordance with the Framework, I must attach substantial weight.

Effect on the Special Landscape Area

20. As set out above the proposal would add significant mass to the site, the form, colour and spacing of which would be uncharacteristic of an agricultural site. This would be detrimental to the visual attractiveness of the rural landscape. Benefits of the proposal are set out under other considerations, but they would not outweigh the harm to the landscape.
21. As such the proposal is contrary to Policy SD6 of the JCS and Policy LAN1 of the LP, which together, amongst other things, seek to protect landscape character, including for its own intrinsic beauty. Whilst I find conflict with these landscape policies, due to the relatively modest scale of the proposal, the harm to the character of the special landscape area would be limited.

Other considerations

22. The proposal would provide valuable supplementary income to the appellant at a difficult economic time. It would help to enhance the viability of the agricultural business and utilise an area no longer needed by it. The provision of storage would also be a helpful service for local businesses and benefit the local economy.
23. I acknowledge the support for the rural economy and agricultural diversification provided by local and national policy. I therefore give moderate weight to the identified benefits of the proposal as I recognise that additional income would assist a rural operation such as this.
24. The appellants notes the support given by the Framework for the use of previously developed land. However, the Framework excludes land that is or was last occupied by agricultural or forestry buildings from the definition of previously developed land.

Other matters

25. Listed buildings have been identified in the vicinity of the site, at Manor Farmhouse and Ellenborough Park. Due to the intervening distance and

presence of trees and hedges, there would be no effect on the setting of these listed buildings and how they would be appreciated.

26. The appellant has made reference to approved application reference 20/00767/FUL. I have been provided with no details on this application other than it was a farm in the same area as this appeal site, within the green belt and was for the 'change of use of an agricultural building to B8 use for storage'. Whilst I am aware of the precedent value of planning decisions, each appeal must be determined on its own merits, circumstances, and situation, in accordance with the current development plan and direct parallels are not easily drawn. From the description, the approved application seems to apply only to storage within a building rather than outside. Consequently, it is fundamentally different to the proposal subject to this appeal where the main issue in contention is storage outside of the building.

Planning Balance and Conclusion

27. The proposed storage outside of the building would be inappropriate development in the terms set out by the Framework and would result in moderate harm to Green Belt openness and the purpose of including land within it. The Framework requires that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
28. The other considerations, even when all factors are combined together², and other matters, as set out above do not clearly outweigh the harm to the openness of the Green Belt. Consequently, the very special circumstances required to justify a grant of planning permission do not exist and the proposal would conflict with Policy SD5 of the JCS, Policy GRB4 of the LP, and the Framework. The proposal also conflicts with Policy SD6 of the JCS and Policy LAN1 of the LP, which seek to protect landscape character. Consequently, the proposal fails to comply with the development plan taken as a whole and I find no material considerations which outweigh this finding. Therefore, for the reasons given the appeal is dismissed.

Helen Davies

INSPECTOR

² Following the approach confirmed in case law under R. (on the application of Basildon DC) v First Secretary of State (2004).