



Appeal Decision

Site visit made on 20 September 2022

by **C Megginson BA(hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/G2713/W/22/3296583

Maynards Nurseries, Bank Lane, Great Broughton TS9 7HU

- 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 Jonathon Halliwell against the decision of Hambleton District Council.
- The application Ref 21/02146/FUL, dated 1 September 2021, was refused by notice dated 11 March 2022.

- The development proposed is described as 'Plan for the Land

The philosophy is to change the landscape gradually to support pollinators, allow the propagation of large Bee Tree (*Tetradium danielli*) and the establish of an Apiary to the south of Great Broughton, North Yorkshire

It should be noted that there is an existing 10ft ISO container on the site. it was my understanding that this was regarded as temporary and did not fall within planning requirement's. Due to the project time scale I was advised that I should seek permission by Mr Craig Allinson, Development Management, Hambleton District Council. During the past two years it has become clear that the original structure is not sufficient to house the equipment and tooling required to undertake this project. Therefore this application will be for a larger arrangement but not exceeding the following Dimensions (LxWxH) 9m x 3.5m x 3.5m It is proposed to use standard size 20ft ISO container as these are designed for adverse conditions, easy to maintain and offer unparalleled security of equipment in comparison to a conventional shed or barn type structure. Local farmers have had a number of thefts regarding machinery and this is a concern especially when consider the investment in machinery and the remote location of the site. To minimise the impact the colour of the container shall be a green suitably selected to match local colour as per the existing container. The hedge to the north shall be allowed to grow further shielding the structure. There is no visual impact to the south east or west as the topography obscures direct line of sight.

Access Improvement

The existing field gate requires replacement it is the intention to also install a hard standing concrete access to the field for heavy vehicle access off the single-track B road. The gate opens onto traffic and should open onto the bridleway, which would be safer, but will require the changing of the handing of the gate.'

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, I note that the Council describes the proposed development as the retrospective siting of a container and the submitted appeal documents and plans indicate that the intention is to locate two containers on the appeal site. I have therefore assessed the appeal proposal on the basis that it is for the siting of two containers.

3. From my site visit and the evidence before me, I note that the smaller container is in situ and the base has been laid down for the proposed additional container. I have determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the green infrastructure corridor; and
 - the integrity of the Special Protection Area (SPA).

Reasons

Character and appearance

5. The appeal site and surrounding area are characterised by open rolling fields and a wide, open landscape, with hedgerow boundaries and occasional trees. To the south, the land slopes steeply upwards and is more densely planted. There is very little built development in the area and none immediately around the site. The field surrounding the site slopes upwards and includes a number of trees, whilst still allowing open views towards the site through the gaps. The character of the area is verdant and rural.
6. The site sits in a prominent position, adjacent to Bank Lane, and is clearly visible from Bank Lane on approach and from the track that approaches the site from the west. Although I note the views provided by the appellant and that the site is not visible from the section of bridleway along the site boundary to the west, I observed on my site visit that the site is also visible from the bridleway that runs along the field boundary from an elevated position to the south.
7. The appeal proposal would sit in the bottom corner of the field and would include two steel storage containers, to provide secure storage for agricultural equipment. The green colour would soften the appearance of the proposed containers and the adjacent hedgerow would offer some screening. However, the scale, form and steel material of the containers would stand out as industrial type structures within the agricultural landscape. This would appear alien and unexpected in such a setting.
8. The site is situated within a green infrastructure corridor which the Hambleton Local Plan (2022) (LP) highlights as integral to the character and appearance of Hambleton's towns and villages. LP Policy E4, in summary, seeks to protect existing green infrastructure and to secure improvements where possible to enhance it as an integral part of the design and landscaping scheme. Due to its industrial appearance, the appeal scheme would negatively affect the green infrastructure corridor by detracting from the countryside setting. Whilst the appellant is undertaking wider planting works as part of an overall plan for the land, is allowing the existing hedgerows to grow and supplementing them, and aims to provide further enhancements, they have not provided any specific landscaping details as part of the appeal scheme. In any event, it seems to me that additional landscaping would not entirely prevent views of the proposed development.

9. Both parties have noted the potential for the containers to be clad in wood to match the surroundings. However, I note the appellant's reluctance to do this and as such a condition securing this would not be reasonable.
10. For the above reasons, the appeal scheme would therefore result in an incongruous form of development that would harm the character and appearance of the area, including the green infrastructure corridor. As such it would conflict with LP Policy E4 as outlined above, and with LP Policies E1 and S5 which, in summary, seek to ensure that development integrates with its surroundings in terms of form and function, and protects and enhances the intrinsic beauty, character and distinctiveness of the countryside. The proposal would also be contrary to the National Planning Policy Framework (The Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Effect on the SPA

11. The appeal site is located within 2.5km of the North York Moors SPA. LP Policy E3 requires evidence to be provided of the extent to which the site and surrounding land is used by golden plover to ensure that loss of supporting habitat outside of the SPA does not occur. No evidence has been provided in this regard; therefore, the appeal scheme conflicts with Policy E3.
12. Nevertheless, the consultation response from Natural England states that based on the plans submitted, they consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
13. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Therefore, as I am dismissing the appeal for other reasons, I have not pursued this matter further.

Other Matters

14. Whilst the storage containers are described as portable and temporary, they are nevertheless substantial structures, and the proposal is not for a temporary period of time. In this regard, there is nothing before me to suggest that the containers would not be replaced at the end of their life or that the development would be anything other than permanent. I appreciate rural crime is an issue, however, I am not convinced that the use of steel storage containers is the only way to provide the secure storage required.
15. It is clear that the appellant has invested in the site and wider area in terms of works to improve biodiversity. Whilst this is commendable and in line with LP Policy E3, the land management of the field is independent of the appeal scheme and does not outweigh the harm I have identified above. Whilst the Parish Council, Natural England, local ramblers and neighbours have not objected to the scheme, the absence of objection does not in itself render the scheme acceptable.

Conclusion

16. For the reasons above, I find that the appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR