



Appeal Decision

Site visit made on 5 September 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/G1630/W/23/3319158

Manor Farm, Southam Lane, Southam, Cheltenham 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 22/01007/FUL, dated 14 September 2022, was refused by notice dated 6 January 2023.
 - The development proposed is described as “retrospective application for a farm diversification proposal involving the retention of 5 no. containers which are occupied by local businesses.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of the site visit I noted that the development has been implemented, I have dealt with the appeal on this basis.

Main Issues

3. The main issues are;
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the Special Landscape Area; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development and Openness

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. 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.

5. Paragraph 147 sets out that, by definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
6. Policy SD5 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2011-2031 (2017) (JCS) broadly conforms to the general thrust of national Green Belt policy, specifying 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.
7. The site is located at the end of a long track and forms part of an agricultural holding. The development lies adjacent to two buildings, which during my site visit were being used to house cattle and store vehicles and caravans. From the evidence submitted, whilst the development would be located close to existing buildings and on an area of hardstanding, the appeal site itself was open and free from any built form and the openness of the Green Belt is clearly evident around the site and wider area.
8. I have had regard to the previous appeal decision¹ and note that the development has been reduced in scale. I also note that from the south the development is largely screened from views by existing landscaping. Nevertheless, when approaching the site along the lane and from fields to the north and west the development would be visible. It would therefore inevitably lead to a visual and spatial loss of openness. Additionally, the development would have a different impact to an agricultural yard which, apart from the existing buildings, is largely open. The development would therefore fail to safeguard the countryside from encroachment, which is one of the purposes of the Green Belt.
9. The introduction of five shipping containers would impinge on the visual openness compared to the previous situation. This would fail to safeguard the countryside from encroachment, one of the five purposes of the Green Belt designation. The development would not fall into any of the exceptions listed in paragraph 149 of the Framework and would fail to meet the criteria of paragraph 150. I therefore conclude that it would be inappropriate development in the Green Belt contrary to JCS Policy SD5 which covers similar matters.
10. Inappropriate development in the Green Belt is, by definition, harmful. As noted above, the development would not be highly visible from outside of the site and is confined to a gravelled area next to existing buildings. 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.

¹ APP/G1630/W/22/3292230

Special Landscape Area

11. The containers are located between an existing building and area of landscaping. The limited height of the containers and their green colour would aid in reducing their impact on the surrounding area. However, the development would further extend built form into the open countryside, which would erode the rural landscape having a harmful impact on its attractiveness.
12. As such the proposal is contrary to Policy SD6 of the JCS which seeks, 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

13. The submission states that the proposal would provide an additional stream of income in a challenging climate for farming enterprises, although I have not been provided with any information relating to finances or income. 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 utilised by local businesses and benefit the local economy.
14. 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.
15. In their submission appellant has had regard to 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

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Ellenborough Park (a Grade II listed building) is located to the east of the appeal site. Based on the evidence before me, I am satisfied that due to the distance between the development and Ellenborough Park and the intervening landscaping, the development would have a neutral effect on, and therefore preserve, the setting of the listed building.

Planning Balance and Conclusion

17. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development would be inappropriate development in the Green Belt. To this must be added further moderate harm arising from the loss of openness, and from being contrary to the purposes of including land within the Green Belt. Paragraph 148 of the Framework indicates that any harm to the Green Belt should be given substantial weight.

18. Very special circumstances will need to be demonstrated if developments are to proceed in the Green Belt. My analysis leads me to attach a moderate weight to the additional income generated and local economy benefits. The substantial weight I have given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
19. For the reasons set out above, the development would be inappropriate development in the Green Belt as defined by the Framework. Harm to the Green Belt provides a clear and overriding reason for refusing the development. I therefore conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR