



Appeal Decision

Site visit made on 6 August 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/C1625/W/24/3341620

Tanhouse Farm, Road from Church Court Cottage to Tanhouse Farm, Frampton on Severn, Gloucestershire GL2 7EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mike Williams against the decision of Stroud District Council.
 - The application Ref is S.23/1055/FUL.
 - The development proposed is Change of Use to B8 Storage: Siting of up to 30 Caravan Storage Pitches.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the proposed development, having regard to the development strategy for the area; and
 - the effect of the proposal on Protected Species.

Reasons

Suitable Location

3. The appeal site is located to the south of Frampton on Severn, which is a village, classified by the development plan as a Second Tier Local Service Centre. The site in question lies outside of the identified settlement limits for the village. It relates to a circular clearing in the woodland, which is mowed grass enclosed by established vegetation. The site is currently used as a certified caravan club site, housing a limit of 5 caravans at any one time, and is accessed via a narrow farm track which serves the wider farm to the south.
4. The site is associated with Tanhouse Farm, which is ran as a forestry business and is situated to the north. The caravans that would be stored under the appeal proposal are currently stored within the farmyard of Tanhouse Farm. The appellant states that they have been stored here for 'several years', although I note the Council alleges that there is no planning permission pertaining to this use. The construction of a new forestry barn within the main farmyard¹ means that the area where the caravans are currently stored would no longer be available.

¹ Application Ref S.22/0520/FUL

5. Policy CP15 of the Stroud District Local Plan (Local Plan) (November 2015) sets out the exceptions where proposals outside identified settlement development limits will be permitted. The first of these exceptions is that the development would be essential to the maintenance or enhancement of a sustainable farming or forestry enterprise within the district.
6. The appellant submits that the proposal 'is a strategic response to the unique challenges of sustainable forestry'. They continue to state that 'Forestry, a long-term commitment spanning 150 years, faces a critical financial gap in its early decades' and that the 'proposal offers a vital alternative revenue source, crucial for supporting the forestry venture until its maturation. Furthermore, the increase in revenue further solidifies the viability of the forestry practices in the crucial early years leading up to maturity'.
7. However, no evidence or business plans has been submitted which reveals the revenue which would be delivered by the proposal and how this would fit into the forestry enterprise, both in the short and long term. Given that the caravan storage is an existing enterprise, it would be expected that the appellant is aware of the revenue that the caravan storage business generates. Furthermore, no information has been submitted as to whether there are any other options for the proposed storage that may be available within the existing farmyard. Therefore, I cannot be satisfied that the proposal, based on the limited justification before me, would be development that would be essential to the maintenance or enhancement of a sustainable farming or forestry enterprise within the district.
8. The appellant also alleges that the proposal falls under the second exception of Policy CP15 and that it is essential to be located there to promote public enjoyment of the countryside and support the rural economy through employment. However, they have provided limited information as to how the proposal would meet this exception. Additionally, whilst Delivery Policy EI5 of the Local Plan relates to farm enterprises and diversification, it has not been adequately demonstrated how the proposal would foster 'economic sustainability', as claimed by the appellant.
9. Therefore, the proposal would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside, including the exceptional circumstances set out in Policy CP15. It would not be supported by any other policies in the development plan. As such, it would be contrary to the development strategy for the area.
10. Whilst the proximity of Frampton on Severn, Gloucester, Stonehouse, and Stroud is acknowledged, as well as the location and access to the M5, this would not outweigh the conflict with the development strategy identified above. Furthermore, whilst there might be an increase in the demand for caravan storage sites, this would again not be sufficient to justify the proposal. I am also not convinced that the prevention of concrete pouring by way of a suitably worded condition would outweigh the harm identified.
11. Therefore, the site would not be in a suitable location for the proposed development, having regard to the development strategy for the area. It would be contrary to Policy CP15 of the Local Plan which sets out the exceptional development that will be supported in the countryside. The proposal would fail to meet any of these exceptions.

Protected Species

12. The site is within the Red Impact Risk Zone for Great Crested Newts (GCN's) and is approximately 30m from the Gloucester and Sharpness Canal Local Wildlife Site (LWS). The Council's records also indicate that the site contains habitats which may support protected species. Accordingly, the proposal has the potential to impact protected sites and species. Notably, GCN's and their resting places are protected by The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and the Wildlife and Countryside Act 1981 (as amended). Therefore, the Council determined that a Preliminary Ecological Appraisal (PEA) was required to assess the impacts on protected species.
13. However, no PEA has been submitted with either the application or the appeal. The proposal has the potential to cause harm by virtue that the use of the appeal site would be changed, and the level of activity significantly increased. The proposal could possibly result in a reduction in the amount or quality of habitats that support the protected sites and species. Therefore, based on the lack of information before me, I cannot be satisfied that the proposal would leave protected species or their habitats unharmed.
14. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted. Therefore, it would not be suitable to condition any survey work in these circumstances.
15. Therefore, based on the evidence before me, I conclude that the proposal has the potential to harm protected species. It would be contrary to Policy ES6 of the Local Plan, which requires all new development to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection) and all legally protected or priority habitats and species.

Other Matters

16. The appeal site is situated within the 7.7km catchment zone of the Severn Estuary, which is classified as a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar site. Given my conclusions on the main issues, I do not need to carry out an appropriate assessment as required under the Habitats Regulations and do not need to consider the matter any further. I note that Natural England raised no objection in regard to the integrity of the SAC, SPA and Ramsar site, subject to appropriate mitigation being secured.
17. The Frampton on Severn Conservation Area (CA) lies approximately 145m to the north of the appeal site. The canal milepost on the opposite bank of the Gloucester to Sharpness Canal, which runs to the west of the site, is Grade II listed. The listing description describes this as a 'Painted, triangular stone post with rounded top'. I am satisfied that, by virtue of the scale and nature of the proposal and the intervening vegetation, the proposal would have no effect on the settings in which the significance of either the CA or the listed milepost are experienced.
18. The appellant has drawn my attention to another approval for the use of land as caravan storage² which they state sets a precedent for the proposal before

² Application Ref S.08/0488/COU

me now. However, the Council advise that this permission dates from 2008 and was considered under a different Local Plan. Furthermore, the caravans in this other application were stored either within existing farm buildings, silage clamp or slurry store yard. Therefore, this would not be directly comparable to the proposal before me now. Nevertheless, the fact that apparently similar development exists is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

19. I acknowledge the lack of objections from Frampton on Severn Parish Council, the local highway authority, and the Council's Conservation Specialist. However, the proposal was not refused on the grounds of highway safety or impact on heritage assets. Nevertheless, the lack of objection from these consultees would not alter or outweigh my findings on the main issues.

Conclusion

20. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR