

Appeal Decision

Site visit made on 25 September 2024

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/C1435/W/24/3336763

Perryhill Nursery, Perryhill Lane, Hartfield , East Sussex TN7 4JP

- 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 Jonathan Latham against the decision of Wealden District Council.
 - The application Ref is WD/2022/2824/FR.
 - The development proposed is a change of use of redundant steel portal frame building from previous use in connection with garden centre and plant nursery to B8 use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The applicant agreed to change the description of the development during the Council's consideration of the application to include '*and its curtilage*'. Therefore, I have used the amended description of the proposal set out on the Council's decision notice and the appeal form to determine the appeal.
3. The building and the remainder of the area within the appeal site has been used unlawfully for the storage of materials associated with a fibre optic installation company. However, at the time of my site visit the outside area had been cleared and the building was not in active use.

Main Issues

4. The main issues are the effects of the change of use on the:
 - a) character and appearance of the High Weald National Landscape;
 - b) living conditions of adjoining occupiers in Perryhill Lane.

Reasons

Character and appearance

5. The appeal site is a small part of a much larger area that had previously operated as a nursery since the early 1970s. It ceased trading in 2021. It lies wholly within the High Weald National Landscape (formerly known as the AONB – Area of Outstanding Natural Beauty), an area designated for the quality of its landscape and scenic beauty.

6. The appeal site comprises a building, a small area of hardstanding, a patch of open ground and the driveway from Edenbridge Road. There are no boundary features to separate the appeal site from the remainder of the disused nursery. The building is a barn-like structure of blockwork and metal and has a utilitarian appearance. It appears to have been used for the storage of machinery in connection with the nursery. The open area was previously used for growing plants, so whilst the nursery as a whole had a commercial element, evidence suggests that this part of the appeal site was used for horticultural purposes.
7. Policy DC7 of the Wealden Local Plan 1998 (Local Plan) permits the conversion of agricultural and other rural buildings for business use, subject to a series of criteria. In this case no alterations are proposed to the building, although maintenance and internal works may be required to make it suitable for storage of goods requiring a dry environment. In this respect it would comply with criteria (1) and (2) of Policy DC7. However, the external area of the site could be used for other forms of open storage. Photographic evidence of the unlawful use of this part of the site was presented by local residents. It showed the area strewn with materials used by the fibre optics company making it appear unsightly. In my view its use for open storage would be significantly at odds with the rural character of countryside within the National Landscape. There would therefore be conflict with criterion (3) of Policy DC7. I consider this to be the case even though the site is well screened from public views and the forlorn and dilapidated state of the former nursery does not currently contribute positively to the scenic beauty of the area.
8. The use of the site and building for B8 storage and distribution use could also generate additional vehicular movements. This would be a change from the previous use of the appeal site which, although commercial, appears to have been focused on serving the on-site needs of the nursery. Evidence of the comings and goings from the recent unlawful use of the site confirm additional vehicle movements to be a potential problem. Whilst this would not give rise to any unacceptable impact on the operation of the local road network, it would be harmful to the tranquillity of this part of the High Weald. As the site is in the south-eastern corner of the redundant nursery it is well separated from the traffic noise which characterises Edenbridge Road. Consequently, using the site's internal and external space for B8 purposes would not be compatible with this rural location within the National Landscape.
9. This leads me to conclude that the proposal would harm the character and appearance of the High Weald National Landscape which would be neither conserved nor enhanced. This would conflict with Policy EN6 of the Local Plan which states that development within the High Weald AONB will only be permitted if it conserves or enhances the natural beauty of the landscape. It would also fail to comply with Policy DC7 of the Local Plan which requires conversion of a rural building for non-residential uses to be compatible with its rural location. The National Planning Policy Framework (the Framework) also requires me to give great weight to conserving and enhancing the landscape and scenic beauty of this nationally designated area. The proposal would be contrary to this objective.

Living conditions

10. The unlawful use of the site by the fibre optics company led to complaints about noise and disturbance from local residents. The appeal site's location in the southeastern corner of the former nursery is close to the rear gardens of Nos 7 and 8 Perryhill Lane. As this is a quiet area the comings and goings from the site would have been a significant cause for concern. The appellant contended that the site was operational from 07.00-19.00 hours every day. However, from other evidence presented it appears that staff hours at the nursery were 08.00-17.00; although the owner may have been on site before and after those times. Furthermore, the activities associated with the nursery were spread over the site as a whole, rather than concentrated on the small area close to and including the machinery building and which is closest to the neighbours along Perryhill Lane.
11. Permitting a B8 storage and distribution use on the appeal site would significantly change the nature of the commercial activities, which cannot be directly compared to the operation of a nursery. Whilst there might be an expectation that noise and disturbance could be controlled through the restriction on working hours, and a noise management plan, the potential for conflict between a B8 use and occupants of the properties in Perryhill Lane would remain. This would be more difficult to control through the imposition of conditions with an operation that made use of the outside area for a significant amount of storage.
12. I therefore conclude that the proposal would be harmful to the living conditions of adjoining occupiers in Perryhill Lane. It would conflict with criterion (4) of Policy DC7 and would be contrary to Policy BS14 of the Local Plan which requires changes of use between business uses in rural areas to be compatible with the residential amenities of the locality.

Other Considerations

13. The District has an undersupply of suitable employment land and there is a high demand for suitable sites to accommodate local businesses. The Council therefore seeks to provide support for the Wealden economy by stimulating the development of additional business units. By using an existing building, the proposal would bring unused space back into employment use which would be beneficial. Support for sustainable growth and expansion of all types of business in rural areas also comes from the Framework (paragraphs 84 and 85), which also recognises that sites to meet local business needs may have to be found adjacent to or beyond existing settlements. Nevertheless, the Framework states that development should be sensitive to its surroundings and exploit opportunities to improve accessibility by sustainable modes of transport. In this case, there was no evidence of job creation, access would rely on vehicular transport, and there was no suggestion that the use would support a business which requires a rural location. In these circumstances, the economic benefits of the proposal carry limited weight in my assessment.
14. My attention has been drawn to the Council's approval of a scheme which permits conversion of the building to a B8 use. However, as that proposal relates to a smaller site which specifically excludes the outside storage area, it is not directly comparable with the appeal before me.

Conclusion

15. I have found the change of use would fail to conserve or enhance the landscape and scenic beauty of the High Weald National Landscape and would be harmful to the living conditions of adjoining occupiers. The limited economic benefits of the proposal would not outweigh these harms.
16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan.
17. For this reason, the appeal is dismissed.

S M Holden

INSPECTOR