

Appeal Decision

Site visit made on 28 August 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/P0119/W/23/3335073

**Archfield Nurseries, Station Road, Wickwar, South Gloucestershire
GL12 8NA**

- 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 Michael Lumber against the decision of South Gloucestershire Council.
 - The application Ref is P2301771/F.
The development proposed is described as 'To erect 1no. single storey dwelling for the use of the site manager of Archfield Nurseries'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether there is an essential need for a dwelling to accommodate a rural worker at the site, and
 - whether the development would be in a suitable location, with particular regard to accessibility to services, facilities, and public transport.

Reasons

Need

3. The appeal site, which covers 1.517 hectares, comprises land from which a horticultural business operates, and includes polytunnels, a store building, display area and car park. The proposal seeks permission for the erection of a new dwelling to enable the appellant to live on the site in connection with the business, which sells plants to the public and trade. The appeal submissions indicate that the appellant, who has been employed at the site since 1972, purchased the horticultural enterprise from the previous owner in 2012 and operated it successfully while living in Wickwar. However, due to personal circumstances the appellant is now residing elsewhere in alternative temporary accommodation and wishes to have a permanent dwelling on the site.
4. The appeal site is located beyond a defined settlement boundary and is therefore in an area of open countryside. Policy PSP40 of the South

Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 (PSPP) sets out the circumstances in which new residential development in the open countryside, outside the settlement boundaries, will be acceptable, and includes proposals for rural workers dwellings, where they accord with Policy PSP41 of the PSPP.

5. Policy PSP41 supports the erection of dwellings for permanent workers in agriculture, forestry or other rural businesses where specific criteria are met, including that the dwelling is required to satisfy a clearly established existing functional need to live at the place of work or within the immediate area, which can't be met within the defined settlement boundaries; and the need could not be fulfilled by another existing dwelling or building capable of conversion on the unit, or any other accommodation or building capable of conversion in the area, which is suitable and available for occupation by the worker concerned.
6. The appeal submissions set out that the polytunnels in which the plants are kept are heated by an oil fuelled boiler and heating system, the temperature of which is thermostatically controlled. The appellant contends that it is essential to have someone on site to monitor and supervise the heating system during the winter months to avoid plant loss caused by frost damage, as well as to provide surveillance of the site for security purposes. As well as the regulation of the heating system and the care and watering of plants out of hours, other activities associated with the business include out of hours deliveries and collections, and the receipt of post/parcels.
7. The appellant indicates that stock has been damaged in the past due to the failure of the thermostat in the polytunnels, and the absence of personnel on site to monitor changes in weather. To prevent such incidents from occurring, the appellant has sometimes stayed overnight at the site.
8. Nonetheless, there is no clear explanation as to other measures that have been considered to regulate the temperature in the polytunnels or water the plants. The use of automated irrigation systems or temperature alarms, for example, would mean the business could operate without a constant personnel presence. Nor is there any detailed analysis of how quickly someone would need to respond to emergencies such as the failure of the heating system, to prevent a loss of plants. In addition, it is likely that deliveries and collections outside of normal working hours could be managed appropriately to avoid the need for the appellant to be on site at unsociable hours.
9. The appeal site, which has an open frontage, occupies a prominent position adjacent to the highway. The appellant indicates that the business has been subject to thefts of plants, shrubs and compost and some damage, although these incidents have not been reported to the police. While I understand the appellant's desire for enhanced security, which it is suggested an on-site presence would offer, there is no compelling evidence that the installation of an alarm or remote security system would not be an effective deterrent to prevent criminal activity.
10. The appellant has set out his intention to expand the business, including a new greenhouse, additional polytunnels, and improved commercial vehicle access, and that there may be a need for on-site presence for insurance

purposes. However, there is no substantive evidence before me that these matters are reliant on the provision of a permanent dwelling on the site.

11. For the foregoing reasons, based on the evidence before me, it has not been clearly demonstrated that there is an essential need for a dwelling to accommodate a rural worker at the site to ensure the effective operation and security of the enterprise. In that regard the proposed development would fail to accord with Policies PSP40 and PSP41 of the PSPP and would not constitute an exception listed at paragraph 84 of the National Planning Policy Framework.

Location

12. While there are a limited range of facilities in Wickwar, including a bus stop, the route to such is in part devoid of a dedicated footpath and streetlights, which is likely to deter use by pedestrians. Furthermore, day to day amenities and facilities are located further afield in the larger settlements of Kingswood, Wotton-under-Edge, Chipping Sodbury. Consequently, future occupiers of the dwelling would be heavily reliant on the private car.
13. While I recognise that living on site would mean that the appellant would not need to travel to work, the dwelling would nevertheless not be in a suitable location, with particular regard to accessibility to services, facilities, and public transport.
14. Accordingly, the proposal would conflict with Policies CS4A and CS8 of the South Gloucestershire Local Plan: Core Strategy adopted December 2013 which set out the presumption in favour of sustainable development, and that priority will be given to providing a range of travel options and Policy PSP11 of the PSPP which requires new development to benefit from accessibility to key services and facilities, by a range of means, or a suitable bus stop facility, served by an appropriate public transport service(s), which connects to destination(s) containing the remaining key services and facilities and the sustainable transport objectives of the Framework.

Other Matters

15. I note that the appellant is currently residing locally in temporary accommodation and seeks a more permanent place to live. However, the appellant's personal circumstances do not provide justification for the siting of a new dwelling in this particular location.
16. The absence of harm in terms of the character and appearance of the area would not outweigh or alter my conclusions on the main issues. Moreover, the lack of objection from interested parties does not itself render the scheme acceptable.
17. The application was submitted following pre-application advice which may have been perceived as being of a positive nature. However, this was subject to the submission of additional information, and in any event, pre-application advice is not binding on the Council in determining later applications. Nonetheless, I have dealt with the appeal based on the merits of the scheme.

Conclusion

18. For the foregoing reasons, the proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated plan conflict. The appeal should therefore be dismissed.

E Worley

INSPECTOR