

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

8 August 2007

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

07/1665/FUL

Holmfield, Yarm Back Lane, Stockton-on-Tees

Revised application for erection of glasshouses and retention of existing shed for use as storage/potting shed for market garden business.

Expiry Date 8 August 2007

SUMMARY

Planning permission is sought for the erection of 3 no. glass houses and the retention of a shed in connection with the use of land as a market garden business. A previous application has been refused for the retention of the shed in connection with a joinery business, the shed having been erected without the benefit of planning permission. Following the refusal of this earlier application, an appeal was made and dismissed by the Planning Inspector on grounds of the buildings impact on the character of the area and the use being contrary to policy.

Six letters of objection have been received in respect to the proposal. The main objections relate to the impact of the buildings appearance, noise and disturbance generated from the use and vermin being attracted to the site.

A market garden is classified as an agricultural use and it is considered that the site is located in an area which is agricultural in nature. Both Local Plan Policy and National Policy support agricultural uses in such locations. The proposed buildings are indicated as being needed in order to carryout the market garden business and it is considered that sufficient information has been submitted to indicate this and to indicate that the business has a likelihood of success, thereby indicating that the erection and general impact of the buildings on the landscape can be justified.

The existing appearance of the shed is not considered to be suitable for its location and the applicant has indicated agreement to reclad the building to have a more rural appearance.

The Councils Highways Officer requested additional information be submitted with regard to access to the site and turning of delivery vehicles, however, the business is intended to take all goods to market and therefore not have any members of the public visiting to by produce. In view of this, it is considered that there will be limited additional traffic to the property whilst the existing access road which serves only this property is considered to be adequate for delivery vehicles to access the site.

In view of all of the above, subject to the conditions listed in this report, it is considered that this application accords with both Local Plan Policy and National Policy.

RECOMMENDATION

Planning application 07/1665/FUL be Approved with subject to the following conditions;

- 01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.***

Plan Reference Number	Date on Plan
SBC0001	1 June 2007
1	1 June 2007
2	1 June 2007
3	1 June 2007
4	1 June 2007

Reason: To define the consent.

- 02. The building and glasshouses to which this application relates shall be used solely for purposes in connection with the operation of a market garden business unless permission is granted otherwise by the Local Planning Authority.**

Reason: In order to adequately control the use of the premises in view of its location within the countryside and in order to ensure the use accords with Policy EN13 of the Stockton on Tees Local Plan.

- 03. The existing shed to which this application relates shall be reclad within a four month period from the date of this approval in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.**

Reason: In order to limit the impact of the building on the character of the area in accordance with Policy GP1 of the Stockton on Tees Local Plan.

- 04. Prior to erection on site the precise design of the glass houses shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: In order to limit the impact of the building on the character of the area in accordance with the requirements of Policy GP1 of the Stockton on Tees Local Plan.

- 05. The glass houses shall not be erected on site until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme. Such a scheme shall detail the following;**

a) Areas of soft landscaping including plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

b) Areas of landscaping to be retained and a scheme for their protection.

The development shall be carried out in accordance with the approved landscaping details and all planting works indicated within the approved landscaping details shall be carried out during the first planting and seeding season following the commencement of the erection of the glasshouses. Any trees or other landscaping as detailed within the approved landscaping scheme which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation. The approved landscaping scheme shall be maintained for the duration on site of the buildings hereby approved.

Reason: In the interests of visual amenity and in order to adequately protect the character and appearance of the wider countryside in accordance with Policy GP1 of the Stockton on Tees Local Plan.

- 06. There shall be no sales of goods to visiting members of the public on the site .**

Reason: In order to prevent undue levels of traffic to the site in the interests of highway safety in accordance with Policy GP1 of the Stockton on Tees Local Plan.

- 07. All deliveries to the site shall take place between the hours of 08:00 and 17:00 hours Monday to Saturday and at no time on Sundays or bank holidays.**

Reason: In order to prevent any undue impacts of noise on the occupants of the adjoining property in accordance with Policy GP1 of the Stockton on Tees Local Plan.

- 08. Should the Market Garden Business Use cease operating then all buildings hereby approved shall be removed from the site in their entirety, including any associated areas of hard standing within a 6 month period from the date of its cessation of use unless another use is granted permission by the Local Planning Authority prior to this date.**

Reason: In order to prevent buildings being in place which are not being specifically used in association with a market garden business thereby preventing the sprawl and imposition of unnecessary and unjustified buildings on the open countryside in accordance with the principles of Stockton on Tees Local Plan Policy EN13 and PPS7 Sustainable Development in Rural Areas.

INFORMATIVES

The proposed business operation relates to an agricultural use of land in an area of open countryside where agriculture is an accepted use. The proposed buildings, subject to amendments to design are the provision of an associated landscaping scheme are considered to be acceptable in order to allow the agricultural operation to take place whilst it is considered that there is sufficient information which indicates that the business would be a viable option. It is considered that the proposed development would not result in an undue impact on either the adjoining property or its occupiers or indeed the surrounding environment in view of its limited scale, its use and its precise location. Furthermore it is considered that the scheme would not lead to any significantly adverse impact on highway safety. It is considered that there are no other material planning considerations which suggest the application should be determined otherwise. The application has been considered against the following policies.

Policy GP1

Policy EN11

Policy EN13

Policy TR15

Should the Market Garden Business Use not commence within a 6 month period from the date of this permission then the local Planning Authority shall seek removal of all buildings associated with this proposal from the site in their entirety, including any associated areas of hard standing in order to prevent buildings being in place which are not being specifically used in association with a market garden business thereby preventing the sprawl and imposition of unnecessary and unjustified buildings on the open countryside in accordance with the principles of Stockton on Tees Local Plan Policy EN13 and PPS7 Sustainable Development in Rural Areas.

BACKGROUND

- 05/2604/FUL - Retrospective application for erection of timber framed workshop for manufacture of wooden gates and use as horticultural implement and machinery store and growing trees for topiary business. Refused for the following reason; 'In the opinion of the Local Planning Authority it is considered the development which incorporates light industrial operations (Use Class B1) would be contrary to the guidance of Policy EN13 of the Stockton Borough Local Plan which requires development outside of the defined 'Limits of Development' to be for either farming, forestry, tourism or leisure uses, or to result in the diversification of the rural economy'.**

2. The refusal of planning permission was appealed against and the appeal was dismissed following a hearing. In dismissing the appeal the inspector concluded that there was an overriding objection to the development on policy grounds and its harmful effect on the character and appearance of the countryside. (See appendix ref 1 for full version of appeal decision)
3. **06/3492/FUL** - *Erection of glasshouses and retention of existing shed for use as storage/potting shed for market garden business. Refused on the 22nd January for the following reason:*
'In the opinion of the Local Planning Authority it is considered that the proposed business plan and associated documentation does not sufficiently detail the use in a manner which clearly justifies either the ability for the business to support itself or indeed the requirement for the buildings as proposed. As such, the proposed development is not adequately justified as a business within a rural area where there is a clear policy of restraint against new development. It is therefore considered that the proposed development would be contrary to Policy EN13 of the Stockton on Tees Local Plan and Governments Planning Policy Statement no. 7 (Sustainable development in rural areas)'.

PROPOSAL

4. Planning permission is sought for the retention of an existing shed and the erection of 210 square metres of glass houses in connection with a small scale market garden business. The business plan indicates that operation will involve fruit growing in the form of strawberries and tomatoes, vegetable growing, flowers, egg production from hens and other made up items such as wreaths. It is anticipated that the business will grow and sell Christmas trees in future years. Further plans exist to expand in the future to an area of adjoining land although the proposal is being based on the land currently within the applicants ownership in the first instance.

CONSULTATIONS

The following Consultations were notified and any comments received are set out below:-

Urban Design - Engineers

5. The development should be designed and constructed in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) current edition, and to that end I comment as follows:-

Site access, visibility splays are all acceptable into the site. The applicant should provide a drawing demonstrating that the site can adequately be accessed by vehicles, which will provide deliveries etc and there is sufficient manoeuvrability within the site. The applicant should also show where employee parking would be provided. The drawing provided is inaccurate in that the distance measured for the parking / service area is shown as 18metres. However, measurements taken on the drawing provided indicate that it is in fact only some 11.5metres in length. A condition should also be placed upon the application indicating that there should be no further application approved here that would increase the intensity of usage of this access, either employment or residential.

Environmental Health Unit

6. Further to your memorandum regarding the above, I have no objection to this application

Urban Design - Landscape

7. All existing hawthorn hedges on the site should be retained to soften any development.

A new hedge to suite those already on site should be planted along side Yarm Back Lane on the east side of the 'area to be cultivated as market garden' to provide a defined boundary and soften the development.

The greenhouses will be screened by the existing conifer hedge and hawthorn hedging. Although the existing conifer hedge has a screening function it is incongruous with the rural setting and we would not wish to see it extended along the field boundary where the hens are located. To provide shelter for the hens we would wish to see a hawthorn type hedge matching those on site to be planted on the west boundary.

Details of the proposed hard and soft landscaping and boundary treatments are required to satisfy the above requests to the following minimum standard:

A detailed landscape plan for hard construction indicating materials and construction methods such as hedge protection fencing.

A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

PUBLICITY

Neighbours were notified and a total of 6 letters of objection were received from occupants of the adjoining property Roseville House. Objections are summarised as follows :-

- Increased activity resulting in noise and general disturbance to this area impacting on families day to day living
- Increased vermin from the proposed chicken farm which would be sited directly adjacent to adjacent the adjoining properties garden.
- The buildings would ruin outlook and views from the adjoining property and generally deteriorate the rural environment which will set a precedent for other properties along Yarm Back Lane.
- There is no need for the shed to store tools, these can be stored within existing outbuildings on the site.
- Objectors feel that the Inspectors decision indicates that the building is not suitable in size or scale for any use proposed by the applicant as a result of it having a detrimental impact on the character of the area and that security of a business operation is not something which should allow such a business use in this location.
- It is felt that people affected by the unauthorised use are being victimised by the continued operation and the applicant continually resubmitting new applications for the buildings retention.
- This is a third scheme to retain an unlawful shed which has been refused permission and dismissed at appeal which has taken two years to resolve. The applicant has continued to use the premises for his unlawful use continually disturbing peace and quiet.
- The applicants trade is a metal worker, not a farmer. Inappropriate use of the buildings will be hard to enforce against.

PLANNING POLICY

8. The relevant development plan in this case is the adopted Stockton on Tees Local Plan. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for

the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are :- *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.

The following planning policies are considered to be relevant to the consideration of this application:-

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy EN11

The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the Local Planning Authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the Local Planning Authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.

Policy EN13

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

Policy TR15

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

There are several issues to consider with regard to the proposed business which relate to the Policy Framework for such proposals, definitions of the proposed development, the business status of the proposals the impact on the countryside and other ancillary issues. These are considered as follows;

SITE AND SURROUNDINGS

9. The site lies within the countryside to the west of Stockton where there are sporadic and isolated developments nearby which provides the area with a strong rural character and an open agricultural appearance. The open appearance of the site and its relationship with the adjoining agricultural land means that it forms an integral part of the wider countryside.
10. The application site lies to the south west of Holmfield, a former bungalow served by a private access off Yarm Back Lane. To the north east of the bungalow is a substantial residential property, Roseville House, which takes access directly from Yarm back Lane. There are a number of hedge lines and residential curtilage boundaries within the immediate area to the north east, east and south east of the site although the site is relatively open to the west.

MATERIAL PLANNING CONSIDERATIONS

11. There are several issues to consider with regard to the proposed business which relate to the Policy Framework for such proposals, definitions of the proposed development, the business status of the proposals the impact on the countryside and other ancillary issues. These are considered as follows;

Principle of development and definition of uses

12. Local Plan Policy EN13 allows development outside of the defined limits of development where it is necessary for a farming or forestry operation or where it results in the diversification of the rural economy. In addition, PPS 7 (Sustainable development in rural areas) is generally supportive of economic improvement and diversification of the rural economy. A market garden falls within a sui generis Use Class, which effectively requires planning approval either to such a use, or from such a use to another. However, although a market garden is a sui generis use, it is viewed as an agricultural operation, together with horticulture, seed growing and fruit growing uses. Para 15 of PPS 7 indicates that Local Authorities should provide a positive framework for facilitating sustainable development that supports traditional land based activities whilst ensuring that the quality and character of the wider countryside is protected and where possible, enhanced. It clearly states that; *'Local Authorities should support development that delivers diverse and sustainable farming enterprises and support other countryside based enterprises and activities which contribute to rural economies'*.
13. In view of the above it is considered that the proposed use of the land is generally acceptable.

Need of buildings

14. The question of need for agricultural buildings is considered a material consideration. i.e. are the building needed in connection with the proposal.
15. The proposed glass houses have a significant footprint although are relatively limited in height. It is proposed to grow tomatoes within these buildings and having researched tomato growing in the UK, the British Tomato Growers Association advise that practically all tomatoes grown in Britain are grown in glasshouses which allows the season to be extended and prevents tomatoes being easily damaged by wind and extremes of temperature. In view of these factors, it is considered that the erection of glass houses would generally be acceptable.
16. The existing shed on site which is proposed to be retained is indicated as being used for the following;
 - Vermin proof livestock feed store,
 - Incubation area for new chicks,

- Workbench for wreaths and general use,
- Multi purpose storage area for tubs, packaging, gravels, fertilizers, stove fuels,
- Storage area for irrigation equipment, Hand tools, spare glasshouse panels, canes, wire, frames
- Wood burning stove,
- Small office
- Storage of mini tractor

17. It is apparent that any market garden business will have requirements for storage of a variety of items, including all the packaging items and the raw materials in order to prevent any unsightly external storage taking place. Furthermore, above the storage indicated on the store layout plan, it is considered that space would also be required within the building for the storage of eggs, strawberries, tomatoes, vegetables etc prior to going to market with these goods. As such, in view of these details, it is considered that there is a clear need for a building of this nature. Its necessary size is difficult to determine, and having discussed a potential reduction in the scale of the shed, the applicant considers that a reduction is not viable.

Site layout and building scales and design

18. Good practice with regard to any agricultural buildings within the open countryside is that they are closely related to existing buildings on site so as to form a group of buildings as against individual sporadic buildings which have a more wide ranging impact. It is considered that the proposed location of the buildings, being approximately 19m from the existing dwelling and 16m from its associated garage and being immediately adjacent to the residential curtilage of the site, achieves an adequate grouping for the buildings.
19. The form and scale of the development proposed is generally considered to be compatible with the character of the area which is effectively urban fringe, where there are already a range of buildings along the western side of Darlington Back Lane which are associated with other residential and business uses. However, taking into account the findings of the previous appeal decision for the retention of the shed which considered the size and exposed location of the building to be detrimental to the character of the surrounding landscape, it is considered that the building in its current form would not be acceptable. A solution would be for the design of the building to be amended through re-cladding works. The appearance within the wider area would then be more suitable. The applicant has agreed to such works being undertaken and for a detail such as Yorkshire boarding being used.
20. There are three glass houses each measuring approximately 20m in length, 3.5m in width and 2.5m to eaves level. It is considered that these buildings are of a scale which represents their purpose, being relatively limited in their overall height and width. The plans submitted do not show a specific design for the greenhouses but a generic shape and size. Therefore in order to ensure adequate control is achieved over the final design it is considered necessary to attach an appropriate condition which requires the applicant to reach agreement in writing with the Local Planning Authority on such details prior to commencement on site.
21. The overall grouped scale and mass of buildings will be significant within this location, however, it is considered that based on the use, a re-clad of the existing building and the eastern boundary to the site being screened by existing planting, this group of buildings should not unduly compromise the character and appearance of the open countryside. They will have the appearance of buildings which are already a characteristic of this landscape generally which includes a market garden / nursery business approximately 850m to the north. However, in view of the comments of the Urban Design team, and based on an on site assessment, it is considered fundamentally important to achieve a landscape scheme to plant native hedge boundaries to the site in order to subdue and

partially screen buildings and general activity at the site in order to reduce its impact as viewed externally.

The business operation

22. There is no specific reference within PPS 7 relating to the need or viability testing of proposals for agricultural buildings, and government advice generally is that planning decisions should not be based on considerations of whether businesses would be a commercial success or not. However, if an enterprise is of doubtful viability and the results of failure would leave a building in the countryside, which would remain unused or which could realistically be re-utilised for a less suitable purpose, long term viability is a matter to be considered. In view of the permission for the shed being applied for retrospectively, the shed initially being erected for a different and locationally unacceptable use and there being a limited amount of land to which the application relates (in view of business return being proportional to the amount of land used), it is considered that details of viability are necessary in order to adequately consider the proposal.
23. Having considered the business plan / financial information submitted with the application, it appears that the applicant has accounted for the majority of costing associated with such a business and appears to have made a reasonably achievable estimation of return. The estimated tomato production appears to coincide with the British Tomato Growers Association whilst egg production may be a little high as a result of hens not laying all year round consistently, although the proposed density of hens does meet with the DEFRA guidelines for Free Range Egg Production. Furthermore, the anticipated sale price of the eggs is generally consistent for free range eggs. There is limited information with regard to the production of vegetables, although as guided by PPS7, the precise profitability of agricultural operations is not necessary in determining applications. Based on the information submitted it appears that the business could operate successfully, thereby justifying a general need and acceptance for buildings on site to support the business.

Other Matters

24. In the previous appeal for the retention of the existing shed for the use in connection with a joinery business and following concerns from the residents of the adjoining property with regard to disturbance, the inspector concluded that these impacts could be prevented by additional insulation in the building together with conditions preventing outside working, restricting working hours and delivery times and preventing the lighting of fires at the site. In view of the nature of the business operation now intended by the applicant and the distance between the site and the adjacent dwelling, it is considered that some of these conditions would not be necessary. However, it is considered that in order to prevent undue disturbance to the occupants of the adjoining properties, conditions relating to the times for delivery of goods should be attached. With regard to burning of waste, this is considered to be an Environmental Health issue.
25. The Head of technical Services has advised that the site access and visibility splays are all acceptable although he has requested that the applicant provide a drawing demonstrating that the site can adequately accessed by delivery vehicles and that there is sufficient manoeuvrability within the site as well as employee parking. It is further advised that one of the dimensions listed on the plan is inaccurate. Having assessed the site, its access road which does not serve any other properties, the accesses into the dwelling known as Holmfield as well as field accesses, it is considered that there is sufficient space for deliveries and turning without the need for further information. (See appendix ref.2 for Ordnance Survey Extract)
26. The Highways officer has also advised that a condition should be placed upon the application indicating that there should be no further application approved for the site that would increase the intensity of usage of this access, either employment or residential. This is not considered necessary as any further application would consider this aspect.

However, it is considered appropriate to place a condition on the application that prevents the site from being open to visiting members of the public for the purpose of buying produce.

27. Objectors have raised concern over vermin being attracted to the site, however, this is considered to be an environmental health function as against one which could be effectively controlled through planning.

CONCLUSION

28. The proposed business operation relates to an agricultural use of land in an area of open countryside where agriculture is an accepted use. The proposal effectively relates to the erection of buildings in order to allow the agricultural operation to take place. Having considered the estimated costs and revenue from the business based on the land available to the applicant, it is considered that there is sufficient information in order to indicate that the business would be a viable option and that the buildings are therefore justified to facilitate the operation of the business.
29. However, the erection / retention of these buildings are being considered against the proposed use of agriculture. Were these buildings not being used in association with such an agricultural business then it is considered that they would not be justified and as such a condition has been recommended to ensure only appropriate uses for the buildings takes place and that if the buildings cease being used for such purposes they will be removed from the site in the interests of avoiding an adverse impact on the landscape character.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

WARD AND WARD COUNCILLORS

Ward	Hartburn
Ward Councillor	Councillor Laing
Ward Councillor	Councillor K.A. Lupton MCIEH

COPY OF APPEAL DECISION ASSOCIATED WITH APPLICATION REFERENCE 05/2604/FUL
Retrospective application for erection of timber framed workshop for manufacture of wooden gates and use as horticultural implement and machinery store and growing trees for topiary business.



Appeal Decision

Hearing held on 01 August 2006

by **Steven Fox** BA MA MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date

14 Aug 2006

Appeal Ref: APP/H0738/C/06/2011797

Holmefield, Yarm Back Lane, Stockton-on-Tees TS1 1AX

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr P Hughes against an enforcement notice issued by Stockton-on-Tees Borough Council.
- The Council's reference is 15.0.1.34.
- The notice was issued on 2 March 2006.
- The breach of planning control as alleged in the notice is the erection of a timber framed joinery workshop/machine store.
- The requirements of the notice are:
 - (1) Remove from the land the timber framed workshop including the concrete base to reveal the original surface.
 - (2) Reinstate the land where the above items at point (1) were sited by filling in any holes left and seeding the area with grass seed.
- The period for compliance with the requirements is 5 months.
- The appeal is proceeding on the grounds set out in Section 174(2)(a) (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with correction and variation.

Matters Relating to the Notice

1. In Parts 2 and 3 of the notice the name of the appeal property is spelt incorrectly. This is a minor typing error which, as was agreed at the hearing, can be corrected without injustice.

The Ground (a) Appeal

2. The relevant development plan policies are contained in the adopted Stockton-on-Tees Local Plan. GP1 is of general application and sets out a number of criteria for consideration in relation to all development. These include the effect of the development on its surroundings and on the amenities of occupiers of nearby properties. The site falls outside the limits of development for Stockton and within the area of the Cleveland Community Forest. EN11 encourages the planting of trees within the Community Forest area and EN13 sets out the circumstances under which development may be permitted outside development limits. This policy provides for development necessary for farming or forestry or falling within other policies for re-use or conversion. In all other cases development should contribute to the diversification of the rural economy, be for sport, recreation or tourism, and not harm the character and appearance of the countryside. Policy EN19 encourages the

reclamation and use of derelict land in the countryside provided that the use is of a similar type and has the same effect as is set out in policy EN13.

3. As far as the application of these policies is concerned the appellant argues that the site constitutes previously developed land and therefore the erection of the workshop building should be looked at favourably in light of policy EN19 and central government advice. The planning history of the land indicates that from the mid-1950s, together with the land to the north and east, the appeal site was used for paint testing, with associated laboratory and paint weathering racks. The land was subsequently sub-divided and sold off in the early 1990s. I accept that there is a history of previous commercial/industrial use of the land but as far as the appeal site is concerned there is no physical evidence of that former use and the land now has the appearance of a field or paddock with mown grass. It has become part of its natural surroundings and any remnants of former activities have blended into the landscape. Consequently it does not fall within the definition of previously developed land set out in Annex C of Planning Policy Guidance note 3 (PPG 3), nor can it be described as derelict land in the countryside.
4. From what I have seen and read and bearing in mind the above policy framework I consider the main issues to be the effect of the building and its use on the character and appearance of the area and the residential amenities of those living nearby.
5. The appeal building lies to the south-west of Holmefield, a dormer bungalow served by a private access from Yarm Back Lane. To the north-east of the bungalow is a substantial residential property, Roseville House, which takes access directly from the main road. The appeal building is of timber frame construction and has plywood cladding to the walls and a pitched roof of corrugated sheeting with a roof lights. Its overall dimensions are some 8 m by 14 m. Inside I saw a range of powered woodworking machinery including saws, drills and planes, and a variety of hand tools. Timber was stored on racks. The remainder of the site comprises mown grassland with open land to the north, west and south and the garden areas of Holmefield and Roseville House immediately to the east.
6. The site lies within the countryside to the west of Stockton and although there are sporadic and isolated developments nearby it is an area with a strong rural character and an open agricultural appearance. The open appearance of the site and its relationship with adjoining agricultural land means that it forms an integral part of the wider countryside. In rural areas policy EN13 seeks to prevent unnecessary and inappropriate development. The appellant does not argue that the building falls within one of the policy criteria and it is apparent that it is not used for any of the specified purposes. Consequently there is a strong policy objection to the erection of the building.
7. Further, because of the character of the surrounding land and lack of effective screening on all but its eastern side the building is open to view across a wide area of countryside. By virtue of its size and exposed location it has a seriously harmful effect on the character and appearance of the area. The possibility of screen planting was raised at the hearing but in my opinion the planting of appropriate indigenous species would take many years to form an effective screen, and the use of fast-growing conifers would be out of keeping with the character of this rural area.
8. The use of the building is described as a low-key Class B1 use involving the making of timber gates and other garden products. Whilst accepting that this is essentially a one-man

business involving a not-insignificant amount of work at customer's premises it does, nonetheless, introduce additional activity in this rural location through the delivery of materials and the comings and goings to and from the workshop by the appellant and his vehicles. This would further draw attention to the presence of the building and emphasise its incongruity in relation to its open rural surroundings.

9. As far as the effect on residential amenity is concerned the appellant's case emphasises the importance of having his workplace next to his home for ease of administration and improved security. Obviously if Holmefield were to be sold off separately the situation could change and future occupiers of the dwelling could experience disturbance, but this possibility would be overcome by a personal condition linking the occupation of the bungalow and the use of the workshop.
10. The occupiers of Roseville House said that they have experienced disturbance through noise associated with the use of the building, from the lighting of fires and more particularly through the delivery of materials. The Council says that the operations carried out by the appellant fall within Use Class B1 and it seems to me that planning conditions to improve noise insulation, restrict hours of working and prevent outside working and the lighting of fires would go a long way towards protecting the residential amenities of occupiers of Roseville House. The main problem relates to the delivery of materials and the practice of unloading large vehicles on the roadside verge in front of Roseville House and transferring materials from there to the workshop buildings. I can appreciate that this would be a source of annoyance but the fencing around the property means that privacy is protected and a condition restricting times of delivery would ensure that there was no disturbance in the early morning, in the evening or at weekends.
11. My conclusion is that harm to residential amenity could be overcome by planning conditions, but that there remains an overriding objection to the development on policy grounds and in relation to its harmful effect on the character and appearance of the countryside.
12. I have taken into account all other matters raised. The appellant's concerns about security appear to be genuine but if this were accepted as justification for retaining the workshop a precedent would be set for the operators of other small businesses wishing to erect buildings on land adjoining their homes, with severe ramifications for the protection of the countryside. None of the other matters raised alters my conclusions regarding the main issues. Therefore the ground (a) appeal is unsuccessful.

The Ground (f) Appeal

13. The appellant says that because the workshop building is within the curtilage of his dwelling it is unreasonable to require its removal as it could be replaced by another of similar size and design to be used for purposes incidental to the enjoyment of the dwelling house without the need for planning permission.
14. In order to engage the permitted development rights conferred by Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 the building concerned must be within the curtilage of the dwelling house. Whilst there is no statutory definition of curtilage, in the case of a dwelling house the term is usually taken to mean a garden or outdoor area serving the dwelling in some reasonably useful way. As far as the appeal building is concerned I consider that it lies away from the

clearly defined garden and the outbuildings that are used in connection with the occupation of the bungalow. There is a firm physical boundary between the residential curtilage and the open paddock within which the building is situated, and the nature and appearance of the two areas is materially different. Therefore I do not consider the appeal building to be sited within the curtilage of Holmefield and as a consequence the erection of another building in this location would not benefit from the permitted development rights conferred by Class E. This means that there is no full-back situation.

15. Further, I was told by the appellant that he did not require more buildings for use in association with the residential occupation of the bungalow as he already had a garage and outbuildings. This indicates to me that even if I had concluded that the building was within the curtilage of the dwelling there is not a realistic prospect of a replacement building being erected.
16. Therefore I consider that the steps required by the notice are not unreasonable or excessive and it follows that the ground (f) appeal is unsuccessful.

The Ground (g) Appeal

17. I appreciate that in order to continue in business the appellant would have to find alternative premises. He says that a suitable secure workshop would be difficult to find in the area. I am mindful that central government advice encourages the establishment and growth of small businesses, and consider that 5 months is not adequate time for the appellant to seek suitable alternative accommodation and to transfer his business to new premises. However, in view of the continuing disturbance that would be experienced by his neighbours I do not consider it would be appropriate to extend the period for compliance to 12 months as requested. In all the circumstances I conclude that a period of 9 months would be reasonable in this case. To this extent the ground (g) appeal is successful and I shall vary the notice accordingly.

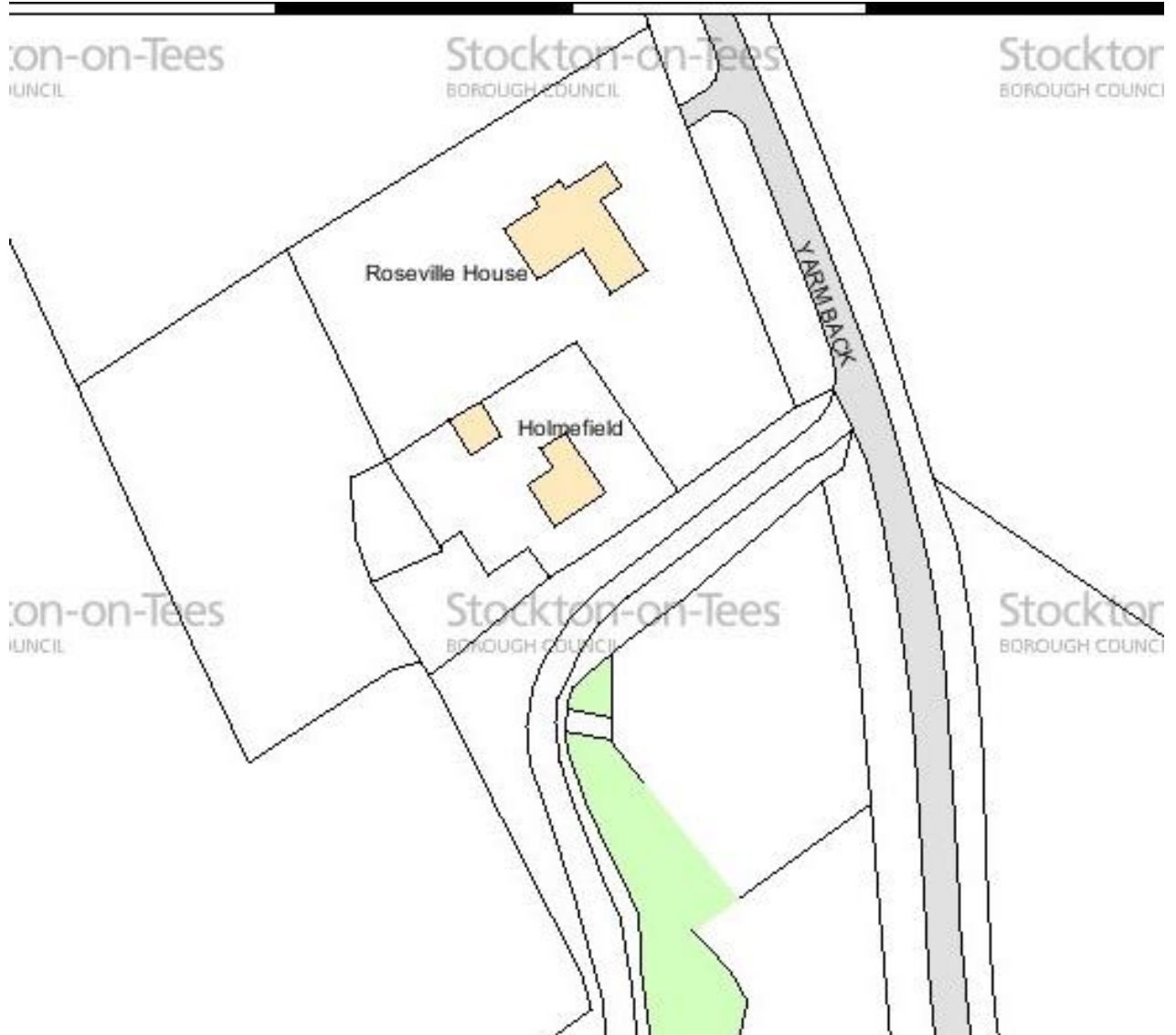
Formal Decision

18. I direct that the enforcement notice be corrected and varied as follows:
 - (a) by deleting from Parts 2 and 3 of the notice the word 'Holmfield' and substituting 'Holmeffield'.
 - (b) by extending the period of compliance from 5 months to 9 months.
19. Subject to this correction and variation I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.

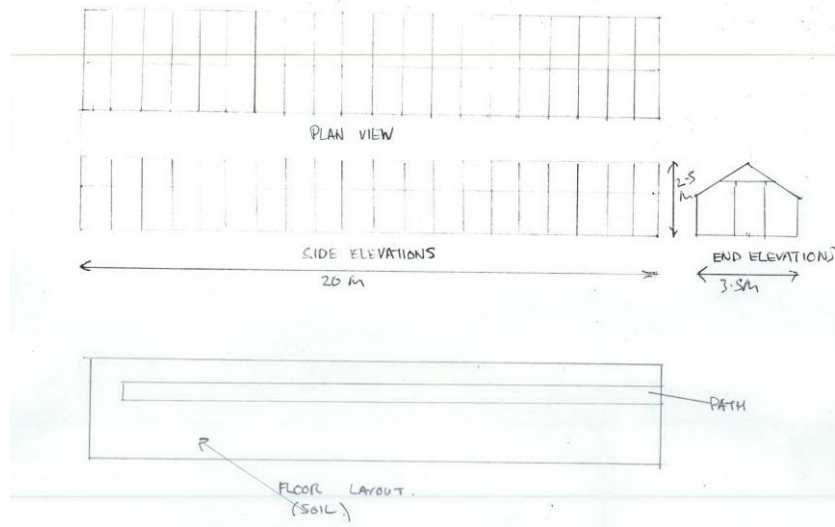
Steven Fox

Inspector

Appendix reference 2
07/1665/FUL
Holmfield, Yarm Back Lane, Stockton-on-Tees
Ordnance Survey Plan of site and access



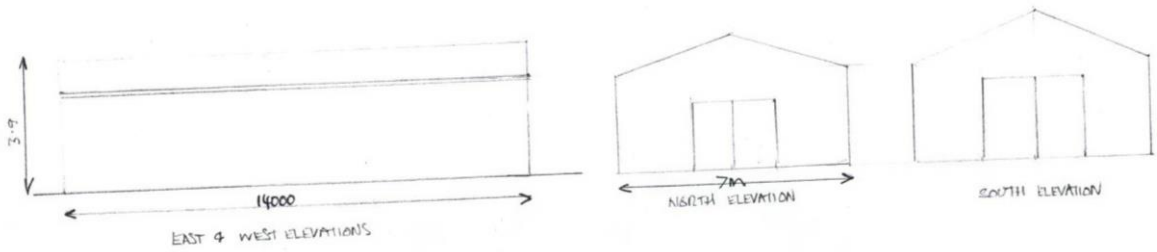
Appendix reference 3
07/1665/FUL
Holmfield, Yarm Back Lane, Stockton-on-Tees
Plans and elevations of shed and glasshouses



--- 07/1665 ---

STOCKTON-ON-TEES
PLANNING
- 1 JUN 2014
DATE RECEIVED

2



**Appendix reference 4
07/1665/FUL
Holmfield, Yarm Back Lane, Stockton-on-Tees
Photograph of existing shed**



**Appendix reference 5
07/1665/FUL
Holmfield, Yarm Back Lane, Stockton-on-Tees
Photograph from site to adjoining property 'Roseville'**



**Appendix reference 7
07/1665/FUL
Holmfield, Yarm Back Lane, Stockton-on-Tees
Photograph from existing shed from adjacent lane**



**Appendix reference 8
07/1665/FUL
Holmfield, Yarm Back Lane, Stockton-on-Tees
Photograph of an area of site**

