
Appeal Decision

Site visit made on 6 January 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 27 January 2015

Appeal Ref: APP/H0738/A/14/2227510

Tees Valley Nursery, The Moat, Belasis Hall, Billingham, Teeside, TS23 4ED

- 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 Nigel Bartle of North Bank Growers against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 13/3073/FUL, dated 29 November 2013, was refused by notice dated 17 April 2014.
 - The development proposed is the permanent siting of static caravans for seasonal workers.
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Decision

1. The appeal is allowed and planning permission is granted for the permanent siting of static caravans for seasonal workers at Tees Valley Nursery, The Moat, Belasis Hall, Billingham, Teeside, TS23 4ED in accordance with the terms of the application, Ref 13/3073/FUL, dated 29 November 2013, subject to the following conditions:
 - (1) The occupation of the 6 caravans hereby permitted shall be limited to seasonal workers solely employed in the operation of the tomato growing nursery known as Tees Valley Nursery. No caravan on the site shall be occupied between 30 October in any one year and 1 April in the succeeding year.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref SBC0001, SBC0002, SBC0003 and SBC0004.

Preliminary Matter

2. At the time of my site visit the caravans were in situ. The Council has not contested that there is an agricultural need for the caravans to provide seasonal accommodation for the workers of Tees Valley Nursery during its busiest growing times between April and October each year. On the basis of the evidence before me I can find no reason to disagree with this view.

Main Issue

3. In light of the above, I consider the main issue in this appeal to be the effect of the permanent siting of the caravans on the character and appearance of the Belasis Business Park and Enterprise Zone.

Reasons

4. The appeal site is in use as a tomato growing nursery and comprises 2 large scale commercial greenhouses, with parking facilities and other office and storage buildings. It is located within the Belasis Business Park which contains a number of commercial and industrial uses and buildings. Nonetheless, large areas of open space, mature trees and vegetation provide landscaped screening to these properties and give the area a pleasant relatively green character.
5. I appreciate that Belasis Business Park is considered to be a prestigious business site and that it is one of the Council's three Enterprise Zones, which seek to deliver long term sustainable growth based on cutting-edge technology and enterprise. I am also aware that the caravans could be removed when not in use and that Saved Policy IN4a of the Stockton-On-Tees Local Plan 1997 (Local Plan) requires development in this area to incorporate a high standard of design in the layout and detailing of buildings and highways, which includes substantial landscaping.
6. Nonetheless, I saw on my site visit that the caravans are sited on a small area of grassed land directly in front of the main glasshouse buildings. This land is flanked by substantially larger buildings to three sides, with open agricultural land to the east. However, in addition to the screening that is provided by these buildings, the topography of the area and the existing fencing and landscaping that surrounds it combine to ensure that the caravans are not easily readable from outside of the appeal site. As such the small number of caravans are only seen within the context of a large developed and enclosed industrial site. In the context of this composition the proposal would therefore not introduce the perception of a permanent residential character.
7. As a result of these factors, and in this instance, I conclude that the permanent siting of 6 caravans would not have a materially harmful effect on the character and appearance of the Belasis Business Park and Enterprise Zone. The proposal would therefore not conflict with the aims of Saved Policy IN4a of the Local Plan.

Other matters

8. In reaching my conclusion I have taken into account the objectives of the National Planning Policy Framework (the Framework). However, there is not anything in the Framework that would lead me to reach a different decision.
9. The Council's Head of Technical services has not raised any objections to the increase in traffic subject to a condition limiting the use of the caravans to the business, and I am satisfied that the proposal would not result in any highway safety risk. The site is located in an industrial/commercial area with limited public transport links however the Council's suggested planning condition would ensure that the caravans would only be occupied by seasonal workers between 30 October and 1 April each year. It is conceded by the Council that the caravans are already occupied for this period of time under the appellant's permitted development rights. Therefore, the imposition of such a condition would not cause any further harm in regards to the use and accessibility to local services and facilities. There is also little evidence before me to substantiate that the proposal would put pressure on existing security

procedures, or result in an increase in crime, problems with waste or cause disturbance to wildlife.

10. I have considered the argument that the grant of planning permission would set an undesirable precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case. There is also little firm evidence before me that would lead me to conclude that the permanent siting of 6 caravans in such an unobtrusive location would deter inward investment or discourage existing or potential investors.
11. In regards to concerns that the proposal could be used as a traveller site in the future, the Council's suggested condition specifically restricts the accommodation for seasonal workers ancillary to the operation of the business. Any breach of this condition would therefore be liable to enforcement proceedings by the Council, and a further planning permission would be required to change its use.

Conditions

12. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance: *Use of planning conditions*. In addition to a condition to secure compliance with the submitted plans (for the avoidance of doubt and in the interests of proper planning), I agree that a condition to restrict the occupation of the caravans to seasonal workers of Tees Valley Nursery for a period between 30 October and 1 April each year is reasonable and necessary for the reasons put forward by the Council. Nonetheless, I have reworded this for clarity and precision.
13. For the reasons given above I therefore conclude that this appeal should be allowed.

Mark Caine

INSPECTOR