



Appeal Decision

Site visit made on 23 July 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/H0738/W/19/3226886

**Iris Gardens, Thorpe Leazes Lane, Thorpe Thewles, Stockton-on-Tees
TS21 3HY**

- 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 Michael Newberry against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 18/1320/FUL, dated 07 June 2018, was refused by notice dated 14 December 2018.
 - The development proposed is 2no additional greenhouses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development is described in the application form as "additional 2 no glasshouses total area 18x9m (162 sq m) with associated boundary landscaping as screening". The Council accepted amended plans which removed the boundary landscaping proposals. I have therefore adopted the description of the development in the banner heading above from the Council's decision notice in the interests of clarity.
3. In January 2019, after the Council determined the application, it adopted the Stockton-on-Tees Borough Council Local Plan (the LP). Consequently, saved Policies EN13 of the Stockton-on-Tees Local Plan 1997 and CS3 of the Stockton-on-Tees Core Strategy 2010 cited in the Council's decision notice have been superseded. They are not therefore relevant to my consideration of the appeal, which must be determined in accordance with the current development plan. From the evidence before me, the relevant policies are EG7, SD1, SD4, SD5 and SD8.
4. Notwithstanding that the LP did not carry full weight when the application was determined, it had been adopted before the appeal was made. I am therefore satisfied that both parties were aware of, and have had the opportunity to comment on, the policies within the adopted Local Plan.

Main Issues

5. The main issues are:
 - i) Whether the proposal is reasonably necessary for the purposes of sustaining the agricultural use of the site; and

- ii) The effect of the proposed development on the character and appearance of the countryside.

Reasons

Requirements of the agricultural business

6. The appeal site, Iris Gardens, occupies approximately 0.6ha of land next to the junction of the A177 Durham Road and a minor road that leads to Thorpe Leazes and Stillington. There is a single storey building and a large greenhouse on the site, together with a number of beds used for growing plants.
7. LP Policy SD4 sets out the Council's approach to economic development. In the countryside outside of settlements, appropriate economic growth that cannot be located within development limits or where it is of an appropriate scale and does not harm the character and appearance of the countryside, will be allowed provided it meets one of several listed criteria including where it is necessary for a farming operation.
8. A substantial amount of evidence has been submitted with the appeal to demonstrate that there is a plant nursery business and therefore an agricultural use at this site. This includes statements, correspondence, previous appeal decisions¹ and the planning permission for the existing glasshouse². While there is some dispute in respect of the status and intensity of operations at the site, the evidence does indicate varying levels of horticultural activity dating back several years. Most recently, the 2017 planning permission for the glasshouse noted that the site was being used for the growing of plants in connection with an agricultural use of the site. The appeal decision of the same year, relating to the change of use of the building, also noted that the appellant was committed to the development of the business.
9. Notwithstanding the earlier activities, during the time that the application the subject of this appeal was being considered, the Council observed the site to be overgrown with little evidence that it was actively being used to grow plants. I accept that the nature of the horticultural activity will be somewhat seasonal and that some plants will be dormant and perhaps not readily visible above-ground during winter months. Moreover, the overgrown and weedy condition of the outdoor planting beds could make it difficult to see what plants were present. The unmanaged appearance of the site would certainly not suggest that the site was being intensively managed to full capacity.
10. There appears to have been an increase in the intensity of activity at the site since the application was determined, culminating in an invitation to the Council in June 2019 for the purposes of establishing the extent of activities. However, even had the Council accepted, a visual inspection could only establish that plants were being grown and not that additional greenhouses were essential to horticultural operations at this site.
11. At the time of my visit, and despite the site still appearing overgrown, I did observe that horticultural plants were present. Notwithstanding, this does not of itself constitute substantive evidence that the proposed greenhouses are necessary for an agricultural business or farming operation at this site.

¹ Refs APP/H0738/A/14/2223613 and APP/H0738/W/17/3192447

² ref 17/1042/FUL

12. The greenhouses are proposed to grow plants from seed, improve cultivation and yields, and provide protection for the plants including from pests, weeds and adverse weather. The appellant considers that this would allow the business to compete with larger garden centres in the area by selling plants more cheaply.
13. While the sheltered environment in a greenhouse may make it easier to protect plants from some pests and diseases and the elements, there is little before me in terms of the specific issues faced at this site which would justify the proposals. Moreover, it has not been demonstrated that pests, including weeds, could not be controlled outdoors through appropriate management techniques such as weed control. There is similarly nothing before me to suggest that alternative methods of protecting plants from the elements have been explored or have been unsuccessful at this site.
14. No substantive information has been provided in respect of the existing operation of the site or which quantifies and qualifies the additional benefit that would arise from the proposals. Although there is reference to business plans and targets, these have not been submitted with the appeal. There is no information before me in terms of the number of plants raised and sold during the time that the appellant has been operating a plant nursery at this site. The evidence does not establish the scale of the operation or the capacity of the site, including the existing greenhouse.
15. There is no comparative information about other garden centres in the area, either in terms of the size, location and accessibility, the range plants for sale or pricing. The proposal does not therefore demonstrate that, even with the proposed greenhouses, the limited range of plants grown and the limited scale of the operation at this site would be competitive with garden centres elsewhere in the area which may be larger, offer a wider range of products and which may be more conveniently located.
16. I therefore conclude on this issue that it has not been demonstrated that the proposal is reasonably necessary for the purposes of a farming operation or agricultural business. It would conflict with the economic growth and countryside protection aims of Policy SD4 of the Local Plan.
17. Paragraph 83 of the National Planning Policy Framework does support, among other things, the development of agricultural and other land-based rural businesses. However, the proposal fails to demonstrate that the additional greenhouses are necessary for the development of a business at this site.

Character and appearance

18. The appeal site is a small area of land in the countryside in a prominent roadside location. It is separated from the adjoining field to the north by a dense band of mature trees. Roadside boundaries comprise a mixture of tree and shrub planting. The landscape is relatively flat, allowing long views over open agricultural fields with hedgerows, scattered trees and woodlands and isolated farmsteads and dwellings. The area has an undeveloped rural agricultural character and appearance.
19. The site is screened from locations to the north by the dense and tall boundary vegetation, at least when trees are in leaf. However, it is visible when travelling along the A177 from Stockton-on-Tees and also from locations in and around

the minor road which adjoins the southern boundary of the site. From these locations, the existing building and greenhouse are clearly visible above the site boundaries.

20. The proposed greenhouses would be sited close to, and either side of, the existing greenhouse. They would therefore be seen in the context of the existing development, resulting in a detrimental cumulative visual impact. The significant increase in the footprint and bulk of greenhouses at this site would be dominant and out of scale with the appeal site. While the existing greenhouse is set back in the site, the larger of the two proposed greenhouses would be sited forward towards the road. As a consequence of the cumulative size and siting, the proposal would be visually obtrusive and incongruous in the rural agricultural landscape.
21. The existing boundary planting does screen the site in part, However, this screening function would be diminished by the forward siting of the larger greenhouse. Moreover, given that shading would undermine their effectiveness, it seems reasonably unlikely that any meaningfully tall or dense screen planting would be allowed to establish in close proximity to the proposed greenhouses. Planting is in any case temporary and cannot be relied upon to screen harmful visual impacts.
22. I therefore conclude on this issue that the proposed development would harm the character and appearance of the countryside. It would conflict with Policies SD4, SD5, SD8 and EG7 of the LP. These require, among other things, that development should be of an appropriate scale, responding positively to the local landscape, reinforcing local distinctiveness, and avoiding harm to and respecting the character of the countryside.

Other Matters

23. I note the suggestion that the proposed greenhouses would secure and increase long term employment opportunities. However, there is little evidence before me to suggest that the business would not be viable, or that the existing operation could not be intensified to support employment, in the absence of the proposed greenhouses.
24. The mixed boundary planting, and the overgrown nature of the site, will be more beneficial to wildlife than the former grazed paddock. However, these are not proposed as part of the appeal scheme and are not therefore dependent upon the construction of additional greenhouses. The existing landscaping is not a benefit that weighs in favour of the proposal.

Conclusion

25. Therefore, for the reasons above and having regard to all other matters raised, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR