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## Appeal Decision

Site visit made on 9 July 2018

**by Richard Clegg BA(Hons) DMS MRTPI**

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

**Decision date: 30<sup>th</sup> August 2018**

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**Appeal Ref: APP/M2325/W/18/3199557**

**Ashley Nurseries, Preston New Road, Freckleton, PR4 1TU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr S Ashraf against the decision of Fylde Borough Council.
- The application Ref 16/0244, dated 2 April 2016, was refused by notice dated 22 January 2018.
- The application sought planning permission for the change of use of agricultural land to form an extension to the caravan/ boat/ motor-home storage area, including the formation of a road planing/ gravel surface, without complying with conditions attached to planning permission Ref 13/0157, dated 22 May 2013.
- The conditions in dispute are Nos 2 & 3 which state:
  2. *That within the first available planting season a new hedge shall be planted along the eastern boundary of the whole site edged red and blue that is utilised for the storage of caravans and motor homes. This hedge shall consist of a hawthorn hedge with a series of field maple trees (or other species as previously agreed in writing by the local planning authority) at 10m centres for the full length of the boundary. The hedge shall be maintained in accordance with BS3936 for a period of no less than 10 years from the planting of the hedge.*
  3. *That no caravan/ motor-home storage hereby approved shall be undertaken within a separation distance of no less than 6m from the western boundary of the site.*
- The reasons given for the conditions are:
  2. *To minimise the visual impact of the development in the open countryside and to enhance the wildlife biodiversity of the area in accordance with Policy SP2 and EP14 of the Fylde Borough Local Plan.*
  3. *To provide an appropriate separation to the neighbouring residential caravan and park home site in the interests of the visual amenity of the occupiers of that site.*

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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to form an extension to the caravan/ boat/ motor-home storage area, including the formation of a road planing/ gravel surface, at Ashley Nurseries, Preston New Road, Freckleton, in accordance with the application Ref 16/0244 made on the 2 April 2016, without complying with conditions Nos 2 & 3 set out in planning permission Ref 13/0157 granted on 22 May 2013 by Fylde Borough Council, but otherwise subject to the following conditions:
  - 1) Within 3 months of the date of this decision a scheme for the maintenance of the hedge along the eastern boundary of the land edged red and blue on the A4 location plan shall be submitted for the written

approval of the local planning authority. The hedge along the eastern boundary of the land edged red and blue on the A4 location plan shall be maintained in accordance with the approved hedge maintenance scheme.

- 2) No caravan, motor-home or boat storage hereby permitted shall be undertaken within a separation distance of 6m from the western boundary of the site.

### **Procedural matters**

2. The application refers to the removal of conditions Nos 2 & 3 of the planning permission to extend the storage area. It is in effect a proposal for a fresh permission without those two conditions.
3. In July 2018, after the main parties had submitted their statements, the Government published the revised National Planning Policy Framework (NPPF). Accordingly the Appellant and the Borough Council were given the opportunity to comment on the implications of the revised NPPF for their respective cases.

### **Main Issues**

4. I consider that the main issues in this appeal are:
  - (i) The effect of the appeal proposal on the character and appearance of the area.
  - (ii) The effect of the appeal proposal on the living conditions of residents of Greenfield Park.

### **Reasons**

#### ***Character and appearance***

5. Ashley Nurseries comprises a narrow parcel of land, extending some distance back from Preston New Road. The greater part of the land, beyond the buildings which are close to the road, is used for the storage of caravans, motor-homes and boats. The appeal site is at the northern end of the land which is furthest from Preston New Road, and it has been laid out and brought into use to provide an additional area of storage.
6. The Appellant's land is in the countryside. There is occasional development along Preston New Road, including Greenfield Park which is on the western side of Ashley Nurseries and accommodates residential caravans, but open fields extend to the east. Along the eastern boundary of Ashley Nurseries are some lengths of tall hedgerow, together with young hedgerow plants. I note that the Borough Council is satisfied with the planting which has taken place, and the dispute in respect of condition No 2 essentially concerns the requirement for maintenance of the hedgerow.
7. The caravans, motor-homes and boats are stored in two rows, parallel to the western and eastern boundaries. There were only a few boats at the time of my visit, with most of the storage comprising caravans and motor-homes. Both the caravans and motor-homes are predominantly light in colour, and the expanse of light-coloured vehicles presents a marked contrast with the nearby rural landscape. The appeal site is set well back from Preston New Road, and although at present the young hedgerow plants do not themselves provide any substantial cover on its eastern boundary, the distance and the roadside

hedgerows restrict visibility of storage at the northern end of the property. Closer to the road, views are filtered but the presence of caravans and motor-homes can be discerned from Preston New Road immediately to the east of the Appellant's property.

8. The change of use of the northern portion of the land has consolidated the storage use in this countryside location. Irrespective of the prominence of the stored items on the appeal site itself, the extended area of open storage represents a significant incursion into the rural landscape. Whilst Policy SP2 of the adopted Fylde Borough Local Plan supports proposals essentially needed for the continuation of an existing enterprise, such development should be of a type and scale which would not harm the character of the surrounding countryside. This requirement is carried forward in Policy GD4 of the emerging Fylde Council Local Plan to 2032. Establishment of a hedge along the eastern boundary of the Appellant's property is necessary to mitigate the intrusive effect of the enlarged storage facility on the character of the area. It follows that it is also important that the hedge is maintained, and Policy EP14 of the adopted Local Plan supports the use of conditions for this purpose.
9. The Appellant states that he wishes to provide screening and soften the impact on wider countryside views, but that the hedge plants are too small and other vegetation, including trees, is preferred. Hedgerows typically form boundaries in the surrounding area, and, the planting undertaken at Ashley Nurseries will grow taller and denser, and could be maintained to provide effective screening.
10. Condition No 2 requires maintenance in accordance with British Standard BS 3936 which is concerned with the specification of nursery stock and not its ongoing maintenance. That reference is not relevant, and it would be more appropriate for a maintenance scheme to be submitted to the Council for approval, in accordance with Policy ENV1(e) of the emerging Local Plan. Both main parties were given the opportunity to comment on such an alternative requirement: the Borough Council had no objection and no response was received from the Appellant.
11. I conclude that the absence of a condition requiring maintenance of the hedge on the eastern boundary of the Appellant's land would be damaging to the character of the area, and in this respect the proposal would be contrary to Policies SP2 and EP14 of the adopted Local Plan and to Policy GD4 of the emerging Local Plan.

### ***Living conditions***

12. Residential caravans at Greenfield Park are positioned alongside the western boundary of the Appellant's land. There are windows to habitable rooms which face towards the appeal site and there are also private amenity areas at Greenfield Park which are close to the boundary with the appeal site. The caravans, motor-homes and boats on the appeal site are stored close together, and, if they are not set back from the boundary, their presence in a long row with only narrow gaps, would seriously detract from the outlook of residents at Greenfield Park. The Appellant suggests that the adverse effect of massing should be addressed by planting. However there is no condition requiring planting to be undertaken along the western boundary of the appeal site, appropriate native species would be unlikely to provide a complete screen, and there would be a significant delay before planting could provide any mitigating effect. I am in no doubt that a minimum separation distance is required to

safeguard living conditions, in accordance with Policy GD7 of the emerging Local Plan, and that, having regard to the height of the caravans, 6m is appropriate for this purpose.

13. Storage on the remainder of the Appellant's land is also adjacent to the residential accommodation at Greenfield Park, and he points out that it is not subject to a condition requiring a minimum separation distance from the western boundary. I note that planning permissions for the storage use on other parts of the property were granted in 1992 and 2005, and details of the circumstances concerning those earlier developments are not before me. In any event the absence of a requirement to maintain a separation distance on earlier permissions does not justify the absence of such a condition in respect of the appeal site, given that I have found that this is important to safeguard the living conditions of nearby residents.
14. I conclude that the absence of a condition requiring a separation distance of 6m to the western boundary of the appeal site would have an unacceptable effect on the living conditions of residents at Greenfield Park, and in this respect the proposal would be contrary to Policy GD7 of the emerging Local Plan.

### ***Other matters***

15. The Appellant argues that condition No 2 prevents maintenance of the dyke which runs alongside the eastern boundary, and that in consequence there is a risk of flooding. The young hedgerow plants do not provide a barrier to access to the dyke at present, and a scheme for maintenance could incorporate arrangements to ensure that access could be obtained to the dyke. Paragraph 83a of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, and the Appellant argues that the appeal proposal would be beneficial to the local economy as it would increase the utility of the land. He also claims that condition No 3 would prevent half of the appeal site being used, rendering the additional storage area unviable. There is a wide central corridor between the two rows of stored caravans, motor-homes and boats: there is nothing before me to indicate that the 6m set back from the western boundary could not be achieved whilst retaining an adequate central corridor for access. Furthermore there is no evidence to substantiate the Appellant's claim that condition No 3 would have an adverse effect on viability.

### **Conditions**

16. Condition No 2 on the 2013 planning permission requires both the planting of a hedge on the eastern boundary of the Appellant's land and its maintenance in accordance with BS 3936. Planting has been undertaken to the Council's satisfaction, and this part of the condition is effectively discharged. Ongoing maintenance is important, but as BS 3936 does not deal with this aspect of landscaping, it should be in accordance with a scheme to be approved by the local planning authority. Whilst I have found that the separation distance to the western boundary required by condition No 3 is appropriate, boats should be specified in addition to caravans and motor-homes, as all three are covered by the planning permission.

## Conclusions

17. I have found that the absence of conditions requiring the planting and maintenance of a hedge along the eastern boundary of the Appellant's land and a storage set-back of 6m from the western boundary of the appeal site would be damaging to the character of the area and the living conditions of nearby residents respectively. Arguments raised by the Appellant concerning access to the dyke alongside the western boundary and viability do not justify the absence of these conditions. However, as explained above (para 16), certain modifications are required to conditions Nos 2 & 3. A new planning permission should, therefore, be granted with these conditions modified. In consequence, and having regard to all matters raised, the appeal is allowed in this respect alone.

*Richard Clegg*

INSPECTOR