The Planning Inspectorate

Appeal Decision

Site visit made on 19 September 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/H1705/W/16/3150433
The Grain Store, Bulls Bushes, Oakley, Basingstoke, RG23 7EB

- 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 carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr M Raymond against the decision of Basingstoke & Deane Borough Council.
- The application Ref 15/04223/ROC, dated 17 November 2015, was refused by notice dated 11 March 2016.
- The application sought planning permission for the erection of an agricultural grain store with hard standing and the creation of a vehicular access without complying with a condition attached to planning permission Ref 14/00066/RET, dated 4 July 2014.
- The condition in dispute is No 10 which states that: Notwithstanding the submitted details and the current colour of the building, within two months of the date of the decision notice, details of the revised colour/s that shall be used on the building and the method/s for applying the colour/s shall be submitted to the Local Planning Authority. The colour/s shall be applied to the building in accordance with the approved details within three months of the date of an approval of the local planning authority in this respect. The colour shall thereafter be retained in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- The reason given for the condition is: In the interests of visual amenity and in accordance with Saved Policy E1 and E6 of the Basingstoke and Deane Borough Local Plan 1996-2011.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 5 October 2016.

Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural grain store with hard standing and the creation of a vehicular access at The Grain Store, Bulls Bushes, Oakley, Basingstoke, RG23 7EB, in accordance with application Ref 14/00066/RET, dated 4 July 2014, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Mr M Raymond against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The Council's decision notice refers to policies in the Basingstoke and Deane Borough Local Plan (1996-2011). Since that time this has been superseded by the Basingstoke and Deane Borough Local Plan 2011-2029 (LP). The general approach of the newly adopted policies relevant to the appeal does not differ significantly from those which have been replaced. Nevertheless, both parties have had the opportunity to comment on these changes.

Main Issue

4. The retrospective granting of planning permission for the agricultural grain store (ref 14/00066/RET) was conditional on the colour of the building being changed. Condition 10 was applied in the interests of landscape character. The appellant wishes for this condition to be removed.

5. The main issue is therefore whether the disputed condition is necessary in the interests of the character and appearance of the surrounding landscape.

Reasons

6. The appeal site comprises an agricultural building located within an agricultural field in a predominantly open and rural landscape. It sits on a bend in the road adjacent to Bulls Bushes Copse. The building has been constructed of concrete panels, and plastic coated tin which is light grey in colour.

7. The building in question is large and can be seen up close from the adjacent road as you turn the corner, and from more distant views to the north. It sits at a high point in the immediate landscape against a back drop of trees. However, whilst it is visible in these surroundings, it is not unduly prominent. It has the appearance of an agricultural building and as such does not look out of place given its rural environs. The existing colour is not inappropriate for an agricultural building and is not in itself harmful. Indeed, photographs of similar coloured buildings in the Borough are submitted with the appellant's evidence.

8. I also note that landscaping has been implemented on site to soften the appearance of the building in line with a condition imposed on permission 14/00066/RET. In addition to this, the appellant has shown that the building is weathering and has dulled down since being erected, which also reduces its visual impact. These matters further weigh in favour of the proposal.

9. The appellant points out that prior approval was granted for a grain store, which would also have been grey in colour, under ref BDB/71533. This was not as wide or as tall as the building now erected and was in a slightly different position. In terms of it being a 'fallback' position this smaller building could not be constructed without the existing grain store being removed, which is unlikely to happen. In any event, given its reduced size it would have less of a visual impact. This therefore limits the weight I can afford it as a 'fallback' position.

10. Nevertheless, for the reasons given above, the existing colour of the building is not harmful to the character and appearance of the surrounding landscape. I therefore find no conflict with Policies EM1 and EM10 of the newly adopted LP which require development to be sympathetic to the character and visual quality of the local area concerned. Consequently condition 10 of permission

14/00066/RET which requires the colour of the building to be changed is not necessary.

11. In coming to the above findings I note concern is raised by an interested party that the silver finish reflects light. The building is, however, more of a grey colour than silver therefore I consider that any reflection of light would not be significant or cause undue harm.

Conditions

12. In light of my findings I shall remove condition 10. Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. Both of the main parties confirm that conditions 2-6 and 9 of permission 14/00066/RET have been discharged, and the appellant confirms that the approved details have been implemented on site. I shall therefore reapply any remaining conditions and any part of the discharged conditions where they remain relevant.

Conclusion

13. For the reasons given I allow the appeal and grant a new planning permission for the development without the disputed condition.

Hayley Butcher

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1499/PO1, 1499/PO2, 1499/PO4, 1499/PO5, 1499/PO6, 1499/PO7, 1499/PO3 Rev B, 1499/PO8 Rev B, 1004524-12-03 submitted under planning application 14/00066/RET.

2) Any trees or plants planted as part of the approved scheme of landscaping discharged under condition 2 of the previous planning permission 14/00066/RET, which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

3) The vehicular access, turning, manoeuvring and loading/unloading areas shall be kept permanently free of any obstacles or obstructions at all times.

4) The approved visibility splays discharged under condition 4 of permission 14/00066/RET shall be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

5) The access gate shall be retained and hung to open inwards only (away from the public highway) in perpetuity.

6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the building hereby permitted shall only be used as an agricultural grain store and for no other purposes, including no other agricultural purpose. Furthermore, the use of the agricultural grain store shall be limited to the agricultural holding as shown on drawing no. 1004524-12-03 submitted under planning application 14/00066/RET.

7) No storage of vehicles or cement, fuels, oils or solvents, soil or other material shall take place inside Bull's Bushes Copse Site of Importance for Nature Conservation (SINC) during the operation of the proposed development.

8) The approved sign discharged under condition 9 of permission 14/00066/RET shall be retained and maintained in perpetuity.