

Appeal Decision

Site visit made on 7 February 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 14th February 2017

Appeal Ref: APP/Y2003/W/16/3159183

Land off West Hann Lane, Barrow Haven, Barrow upon Humber, DN19 7HD

- 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 Matthews against the decision of North Lincolnshire Council.
 - The application Ref PA/2016/93, dated 27 January 2016, was refused by notice dated 23 March 2016.
 - The development proposed is the construction of a new general purpose agricultural building (tractor and trailer shed) and adjoining multi-use loose boxes (equine stabling and calf-shed).
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are (i) whether the development is suitable for its location in the open countryside, having regard to development plan policies; and (ii) the effect of the development upon the living conditions of the occupiers of the neighbouring dwelling in respect of noise, disturbance and odour.

Reasons

Open Countryside

3. The site is located within the open countryside outside of any settlement boundary. Policy RD2 of the North Lincolnshire Local Plan, 2003 (LP) indicates that development in the open countryside will be strictly controlled and that permission will only be granted for certain categories of development, including being "essential to the efficient operation of agriculture". The explanation to this is that development in the open countryside should benefit economic activity, promote social inclusion and maintain or enhance the environment. Policy CS 3 of the Core Strategy, June 2011 has similar aims and objectives, indicating that development outside of settlement boundaries will be restricted to that which is essential to the functioning of the countryside.
 4. The appellant says that the proposal conforms to these policies as the building would be agricultural as it is proposed that it would be used as a
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workshop; to store a tractor and silage trailer; and to accommodate 4 horses, or other animals such as calves.

5. However, whilst the appellant says that the tractor and trailer would be related to the appeal site or for contracting, no specific details of an agricultural business or other use essential to the functioning of the countryside have been provided. Therefore, the appellant has not demonstrated a rural requirement for the building and the proposal would be contrary to LP Policy RD2 and CS Policy CS 3. Without clear evidence of how the building would support economic growth in the rural area, I disagree with the appellant that the proposal would be in accordance with Paragraph 28 of the Framework. I therefore conclude that the development is not suitable for its location in the open countryside.

Living Conditions

6. The building would be located alongside a dwelling. Housing animals inside it is likely to generate smells and a tractor could be very noisy early in the morning. I note the appellant's comments that the building would be no noisier or smellier than having a field full of animals. However, the building would concentrate activity to the one part of the site next to the adjoining house. The occupiers of the dwelling would therefore be at an unacceptable risk of exposure to an undesirable level of noise, disturbance and odour and I am mindful of the objection from the Council's Environmental Protection officer on these grounds.
7. Therefore, I conclude that the proposed building would harm the living conditions of the occupiers of the adjacent dwelling. Consequently, the proposal is contrary to LP Policy DS1 which seeks to protect residential amenity.

Conclusion

8. For the above reasons, the appeal is dismissed.

Siobhan Watson

INSPECTOR