

Appeal Decision

Site visit made on 20 March 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/J0405/W/16/3165413

Land south of Dean Road and Upper Dean Farm, and west of Dean Road Farm

- 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 Chris Scharff against the decision of Aylesbury Vale District Council.
 - The application Ref16/01515/APP, dated 22 April 2016, was refused by notice dated 1 November 2016.
 - The development proposed is erection of one, 1.5 storey agricultural barn, with associated driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. Although the Council has given two reasons for refusal, the first does not appear to have any obvious basis in the policy cited (being founded on need rather than design). As such, although I address this matter below, I consider the main issue to be the effect of the proposal on the character and appearance of the area.

Reasons

3. Dean Road is a narrow country lane, which runs west from Stewkley into the open countryside where it ends. It is characterised by expansive fields and dispersed farms. Field barns and stone buildings are not a characteristic feature, with agricultural buildings typically clustered together on farm yards.
 4. The appeal site is a relatively small field, which is put to grass. There are a number of recently planted fruit trees on the site and a large pond with what appeared to be wooden seats around it. A few sheep were grazing at the time of my site visit.
 5. The northwest corner of the site, where it is proposed to locate the appeal building, contains some building material detritus and a metal framed barn faced with corrugated iron. The barn is set to one side of the field opening and is tucked close to the roadside hedge under a large tree. It is simple, low key and unobtrusive, being a fairly typical example of the type of building that one might expect to find in a rural, lowland pastoral setting. As such, it has a neutral impact on the character and appearance of the area.
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6. By contrast, the appeal proposal would introduce a substantial one and half storey, stone faced structure to the site. It would feature a double carport, which is not an obvious feature of an agricultural building, and have a large yard come turning area around it. The latter would also be connected by a driveway to what is referred to on the plans as the 'main drive' through the site. The building would be situated directly beyond the field opening, starkly apparent from the road and from nearby public rights of way.
7. The overall effect of the size, location, design and finish of the appeal scheme would be, notably when viewed in combination with the stone pillars at the entrance to the main drive and the decorative wooden gates at both field access points, to bring about an overwhelmingly domestic appearance to the site. This would jar with the rural, undeveloped locality. The barn itself would appear as an incongruous feature, very much at odds with its low key surroundings; surroundings that lack field barns of any significance.
8. It is suggested that the barn uses a traditional building form and that the use of buff stone is traditionally used for agricultural buildings in the area. This did not appear to be the case from my site visit, where buff stone was not readily apparent in the local vernacular¹. While the style of the barn may be traditional, there is no substantive evidence before me to support the view that it is traditional to this area. Nor do such traditional stone barns have such a multiplicity of openings.
9. The appellant has indicated that alternative materials and opening details could be covered by condition, albeit that there are no alternative plans before me. Even if this was not the case, given that this is a full application with detailed designs, I do not consider that changing them by condition would be appropriate, particularly as there would not be any opportunity for any interested parties to comment. Nor would this overcome my concerns about the scale and location of the barn and my wider concerns about the incremental change to the overall appearance of the site.
10. It is further suggested that the appeal proposal would be an enhancement over the existing condition of the site. I disagree. There are ways to secure a tidy site that do not require development and, as noted above, the form and situation of the extant barn has little impact upon the locality.
11. I conclude, therefore, that the appeal proposal would have an adverse impact upon the character and appearance of the area. It would conflict with Aylesbury Vale District Local Plan (AVDLP) policy GP35, which seeks, among other things, to ensure that development respects and complements the building tradition, form and materials of the locality, as well as the physical characteristics of the site and surroundings.
12. Reference is made in the reason for refusal to the National Planning Policy Framework (the Framework). No specific parts of it are cited, however, and, as such, I have not considered such a general application of it further.

Other Matters

13. It is asserted that the extant barn on the site is not appropriate for operational needs, that the appellant wishes to manage his stock in a traditional and

¹ The sole exception was the house at Upper Dean Farm, which itself appeared to be an unusual addition to the locality of, relatively speaking, recent vintage.

- sustainable way and that the appeal building is required for animal welfare purposes.
14. With regard to the first point, there is no reasoning before me to suggest how what appeared to be a functional agricultural building on the site is inappropriate for, undefined, operational needs.
 15. Turning to the second and third points, there is no clear articulation of what is meant by a 'traditional and sustainable' way nor is there any evidence that animal welfare is an issue. It may be that sheep are removed from the site during or immediately after lambing, but that is common farming practice and not a welfare issue. Indeed, it is noted that this has occurred for a number of years and there is no evidence to suggest that it has given rise to welfare problems. Furthermore, given that Upper Dean Farm is very close indeed, and it is not disputed that there is a barn on the site, there does not appear to be any practical reason why any sheep due to lamb could not be easily moved there.
 16. In addition, the submitted drawings indicate that the main ground and first floor areas of the proposed building are to be used for storage rather than animal husbandry. This rather brings into question whether the building would have the internal infrastructure necessary for it to be able to fulfil its implied function, at ground floor level, as an animal shelter.
 17. Even if this were not the case, there does not appear to be any reason why, should it be required, a suitably designed barn could not be constructed on the Upper Dean Farm site itself, which would be more in keeping with the prevailing character of the area.
 18. The appellant alleges that the Council acted unfairly by suspending the pre-application process. It might be that this was the case, but that is a matter for the Council's complaints procedure and there is no evidence to suggest that the appellant would have sought to progress a different scheme had this process remained 'live'.
 19. The appellant states that local planning policy is out-of-date. It is not readily apparent why this should be so, but the test of out-of-datedness is set out in the Framework at paragraph 215. This is clear that development plan policy weight is relative to the degree of consistency with the Framework. There is nothing in AVDLP policy GP35 that is in any way inconsistent with the Framework's emphasis on good design and, as such, I do not consider that it can reasonably be regarded as being out-of-date.

Conclusion

20. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR