
Appeal Decision

Site visit made on 20 September 2016

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 06 April 2017

Appeal Ref: APP/J3720/W/16/3149499

Moor Hall Farm, Ryknild Street, Wixford B49 6DL

- 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 R S Brookhouse Engineering Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 15/03250/FUL, dated 27 August 2015, was refused by notice dated 2 November 2015.
 - The development proposed is the temporary change of use of land for storage of pipe laying machines.
-

Decision

1. The appeal is allowed and planning permission is granted for temporary change of use of land for storage of pipe laying machines at Moor Hall Farm, Ryknild Street, Wixford B49 6DL in accordance with the terms of the application, Ref 15/03250/FUL, dated 27 August 2015, subject to the following conditions:
 - 1) The pipe laying machines hereby permitted shall be sited on the land for a limited period not exceeding 3 years from the date of this permission. At the end of this period pipe laying machines shall be removed from the site, the use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
 - 2) The maximum height of stored machinery hereby permitted shall not exceed 4.5 m in height measured from ground level.
 - 3) The development hereby permitted shall be carried out only in accordance with the details of development as shown on drawing number PF/9480.02.

Preliminary Matter

2. Since the determination of the appeal proposal, the Council has adopted its Core Strategy (CS). This appeal has been determined in accordance with its provisions.

Main Issues

3. The main issues in this appeal are the effect of the proposed temporary storage of plant and machinery on the character and appearance of the surrounding countryside and whether the proposal would increase the risk of flooding.
-

Reasons

4. I am informed that the appellant company (the appellant) is one of the world's largest suppliers of pipe laying equipment for major civil engineering contracts in North America, Canada, Russia and the Middle East. The machinery and plant used are of a substantial size and their maintenance and storage are carried out close to the appeal site and a further site in nearby Lydford on Avon. There is no dispute that the company is a substantial provider of local employment.
5. The appellant's wider site has a lengthy planning, enforcement and appeals history. This appeal follows a number of attempts to balance the operational requirements of the engineering business with its impact on the surrounding countryside and nearby listed buildings. The need for temporary storage has arisen from the lack of available space for machines that have returned from contracts and require maintenance. The appeal planning application sought to store pipe laying machines on the appeal site for 3 years. The area proposed for their storage is opposite the main area of the engineering business, separated by an access track and would be within easy reach of the workshop to the south.
6. Policy CS.21 of the CS encourages the expansion of businesses in their existing locations, subject to factors including the scale and type of activities involved, the location and nature of the site, its accessibility, including by public transport, and impact on the character of the local area. This policy approach is consistent with the National Planning Policy Framework (the Framework) which supports economic growth in rural areas in order to create jobs and prosperity, including by supporting the sustainable growth and expansion of all types of businesses and enterprise in rural locations. This builds upon the Framework's broad objective to build a strong, competitive economy.
7. I therefore agree with the Council that subject to an assessment of the environmental impact of the development, the proposal is, in principle, in accordance with CS policy CS.21 and benefits from the economic support identified in the Framework.

Character and appearance

8. The appeal site lies in the open countryside in an area designated as part of the Arden Special Landscape Area. The site has a generally open character, although there were some machines stored on part of it at the time of my site visit. It is directly adjacent to Moor Hall Farm stables which comprise vacant stables, a storage building and a groom's dwelling which are also in the appellant's ownership. Land to the north of these buildings is agricultural and contains an agricultural building to the north east of the appeal site which has recently been extended. There is a large pond to the east of the stables and to the west of the site is open land and beyond that is the River Arrow. In my view the area identified to be used for storage has a different character and appearance to the clearly agricultural land beyond it. The access track which bisects the appellant's land leads to Moor Hall, a Grade II* listed building with Grade II listed outbuildings.
9. The appeal site is visible from parts of the Heart of England Way (HoEW), a public footpath which runs on the east side of the hedgerow boundary of an agricultural field which contains the appeal site. The HoEW links the villages of

Broom and Wixford. Another public footpath to the south-west of the appeal site links the HoEW to Broom. The large agricultural building screens some close views of the appeal site from the HoEW. There are further views of the site from Wixford which is around 700m away. I have viewed the site, its immediate surroundings and considered views from a number of public viewpoints identified by the main parties, including the HoEW, Wixford and across the River Arrow from the north-west. I have also carefully considered the appellant's professionally prepared *Landscape Submission* and its assessment of visual sensitivities, the magnitude of change resulting from the appeal proposal and the overall significance of the identified changes.

10. Very large items of plant and machinery would be stored in the area, having been relocated from elsewhere within the appellant's wider site. The Council consider that the machinery has an industrial appearance unlike modern agricultural machinery. However, I found that they are similar to larger pieces of agricultural machinery now found on some farms, particularly when viewed from a distance. In longer views towards the appeal site the machinery would be seen in the context of the workshops and the externally stored machinery on the opposite side of the access track. They would also be viewed in the context of the adjacent stables, dwelling and storage building.
11. Based on the evidence and what I observed, it is my judgement that the storage area for machinery would not appear unrelated to neighbouring buildings or otherwise visually isolated and it would not have the appearance of encroaching into agricultural land. As a result of the appeal proposal the engineering business would extend to the north of the access track. However, this would be for a limited period only and overall the proposal would cause limited harm to the character and appearance of the surrounding countryside.
12. In reaching my conclusions I have taken into account the conclusions of Inspector Belcher in the 2010 dismissed enforcement appeals APP/J3720/C/09/2109891 and APP/J3720/C /09/2109895. These decisions addressed the use of land for the storage of plant and machinery which included the current appeal site. I note the previous Inspector's views that the use of the land outside the stables for the storage of machinery and equipment would appear out of place in this attractive countryside setting. However, the Inspector did not appear to have the benefit of evidence similar to the *Landscape Submission* provided in this appeal. Furthermore, the industrial use that would have occurred on both sides of the access would have been on a larger site and the resulting activity/storage would have been closer to the access track and significantly more intensive than is now proposed. There are therefore significant differences between the 2010 and current appeal proposals.
13. Furthermore, I have also had regard to a later planning permission, reference 11/01403/FUL, which included a new workshop building and external storage area on the site of the stable block etc and the adjacent land. Although the non-retrospective elements of this consent lapsed in 2014, the storage of machinery on the current appeal site was allowed by this permission. It is not entirely clear why the Council has taken a different view about its currently proposed use for similar purposes when the context of the appeal site appears little changed.

14. The Council's policies and the Framework seek to protect the countryside and these objectives should be supported. However, based on the circumstances of this appeal, I conclude that the storage of the appellant's machinery on this site for a temporary period of 3 years would not unacceptably harm the intrinsic character and beauty of the countryside in the long term. The limited visual harm that would arise would be outweighed by the economic benefits of the continued operation of the business in this locality whilst long term solutions are found to the appellant's business needs which are being discussed with the Council.
15. Under these circumstances I conclude therefore that the temporary use of the land for the external storage of pipe laying machinery would not conflict with CS Policies CS.5, which seeks to maintain the landscape character and quality of the District, and CS.9 which deals with design and distinctiveness, including the need to be sensitive to the setting, existing built form, neighbouring uses, landscape character and topography of the site which I consider are the criteria of most relevance to the appeal proposal. There would be no conflict with the aims of Paragraph 17 of the Framework which sets out the Core Principles which should underpin decision-taking and of relevance to this appeal include the requirement to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. The proposal would also comply with its Paragraph 109 which emphasises the need to conserve and enhance the natural environment. The CS policies are consistent with this national guidance.

Flood Risk

16. The appeal site is within Flood Zone 3 where there is a high probability of flooding. The Framework requires the submission of a site-specific flood risk assessment (FRA) when development is proposed in such areas. No FRA was submitted with the application and the Environment Agency (EA) objected to the planning application on this basis. The Council concluded that it was not possible to ascertain whether or not the proposals would increase flood risk elsewhere and this formed one of the reasons for refusal.
17. The appellant subsequently provided the EA with the FRA which was submitted in support of application 11/01403/FUL which is discussed above, alongside additional information about the machinery proposed to be stored on the appeal site. This evidence was submitted with the appeal. The EA states that the proposed area of storage falls outside the functional floodplain (Zone 3b) and that the proposals accord with the Framework. The EA considers that the heavy machinery, which is up to 80 tonnes in weight, can be considered to fall within the "less vulnerable" class of flood risk vulnerability identified in the Planning Practice Guidance (PPG).
18. On the basis of the submitted evidence the EA raise no objection to the proposal. There are no reasons to take a different view or to require the sequential test to be addressed in this case which relates to a change of use of the land for the storage of moveable machinery. Nonetheless, the Council's flood risk policies and those in the Framework have been addressed and I conclude that there would be no conflict with CS Policy CS4 which sets out the Council's objectives for dealing with the water environment and flood risk. I further conclude that the requirements of Paragraph 103 of the Framework

have been complied with and that the proposal would comply with the PPG in respect of addressing flood risk.

Other matters

Heritage

19. The access track which bisects the appellant's site lead to Moor Hall, a Grade II* listed building with several Grade II listed outbuildings. In reaching my decision on this appeal, I have had special regard to the statutory duties relating to listed buildings, including the desirability of preserving their special interest and settings. The significance of Moor Hall includes that it dates from the 15th/16th century, with 17th, 19th and 20th century additions. It was originally a hall house, possibly with a wing, extended to an irregular U-plan. The Hall and its outbuildings comprise a historic manor house set in the countryside and approached by a long drive.
20. In considering the impact of the proposed development on the significance of the designated heritage assets I have given great weight to its conservation. I have assessed the distance between the proposed plant and machinery storage area and the listed buildings, noting that there are other buildings between them and a belt of screening trees. I agree with the Council's conclusions on heritage matters and I am satisfied that there would be no harm to the setting of the designated heritage assets or any other harm to their significance as a result of the proposed development. This is also consistent with the conclusion of the Inspector in the enforcement appeals referred to above.
21. Furthermore, machinery standing on the access track which leads to the listed buildings would be relocated to the appeal site. Temporary planning permission for this use has expired and the benefits of this relocation can therefore be given only limited weight. Nonetheless, this would address the concerns of the Inspector in appeal decision APP/J3720/W/15/3010673, who stated that "the external storage of large items of plant in the area in front of the building has a significant visual impact on the approach to Moor Hall which I consider to be part of its setting as a historic house in the countryside", a statement with which I agree. The setting of the listed buildings would be enhanced and the experience of the occupiers and visitors to the listed buildings on their approach to the historic building would be improved.
22. To conclude on heritage matters, in accordance with Paragraph 132 of the Framework I have assessed whether there would be any harm to the significance of the heritage asset through development within its setting. As indicated above I find that there would be no harm. Consequently there would be no conflict with CS policy CS.8 which sets out the need to protect and enhance the historic environment, including the significance and setting of designated heritage assets. This policy is consistent with the statutory requirement and the similar heritage objectives set out in the Framework.

Other points raised

23. The objections from the Bidford-on-Avon Parish Council and others to the temporary change of use have been addressed above. Enforcement of the appellant's operating conditions and future proposals for the wider site are not matters before me in this appeal. Whilst I have considered all other matters raised they do not alter my conclusions on the main issues.

Conclusion

24. For the reasons set out I conclude that the proposal would comply with the development plan and amounts to sustainable development. It would be in accordance with the requirements of CS Policy CS1 and the Framework and the appeal should be allowed.

Conditions

25. Conditions restricting the period of use of the site for storage and the height of the stored plant and machinery are reasonable and necessary to preserve the setting of the nearby listed buildings and to protect the character and appearance of the surrounding countryside. Although the Council's suggested wording indicated that booms could be attached for short periods for testing purposes, the appellant stated that the appeal site would not be used for the testing of machinery. Accordingly I have imposed a condition which does not refer to testing. I have identified the approved drawing in a condition to ensure that the development is carried out as proposed and for the avoidance of doubt. In some instances I have amended the Council's wording of conditions to better reflect the appeal proposal and/or the model conditions.

Elaine Benson

INSPECTOR