
Appeal Decision

Site visit made on 21 March 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 13th April 2017

Appeal Ref: APP/W0910/W/16/3163984

Oak Lea Farm, Oak Lea Road, Roanhead, Barrow-in-Furness, Cumbria, LA14 4QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Steven Sharpe against Barrow-In-Furness Borough Council.
 - The application Ref B18/2016/0586, is dated 2 August 2016.
 - The development proposed is a general purpose agricultural building-to replace current livestock accommodation and feed store, which will be demolished.
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Decision

1. The appeal is allowed and planning permission is granted for a general purpose agricultural building-to replace current livestock accommodation and feed store, which will be demolished, at Oak Lea Farm, Oak Lea Road, Roanhead, Barrow-in-Furness, Cumbria, LA14 4QW in accordance with the terms of the application, Ref B18/2016/0586, dated 2 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Block plan (OLF 1); OLF2; and, OLF3.
 - 3) Notwithstanding condition no. 2 above, the development hereby permitted shall not commence until details of the materials to be used in the external surfaces of the building hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The hedgerow enclosing the Oak Lea Road boundary of the field that adjoins the southeastern side of the appeal site shall be permanently retained, unless the local planning authority gives its prior written consent for any variation.

Procedural matters

2. Following the decision of the appellant to appeal on the grounds of non-determination, the Council has indicated that were it still in a position to
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do so, it would have refused planning permission. The reason given is that, in the absence of other material considerations which may outweigh the visual harm, the proposal is considered to have a detrimental impact on the open, rural character of the surrounding area by virtue of its excessive size and height. It is therefore not considered to be sustainable development, contrary to national policy, saved Policy D1 and emerging Policy DS2.

Main Issue

3. I consider that the main issue in this case is whether the need for the proposal is sufficient to justify development in the countryside, with particular reference to the effect on the character and appearance of the surroundings.

Reasons

4. Oak Lea Farmstead is situated in the open countryside and is one of a small number of sporadic developments along Oak Lea Road. The farmstead consists of a group of buildings around a small central farmyard. They include a farmhouse with an adjoining substantial 2-storey barn as well as a number of smaller out-buildings and along the southeastern side of the group there are stables within a paddock. The proposal involves the demolition of the stables and the erection of a larger agricultural building.
5. Policy D1 of the *Barrow-in-Furness Borough Council Local Plan Review, 1996-2006* (LP) indicates that the Borough's countryside will be protected for its own sake and development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted, any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements. Policy DS2 of the *Barrow Borough Local Plan, Publication Draft, July 2016* (LPe) requires development, where possible, to contribute to the enhancement and appearance of related landscapes.

Need

6. I understand that of the 7.75 hectares of land farmed by the appellant, he owns 1.04 hectares and leases a further 2.3 hectares, which is secured through a Farm Business Tenancy. The remaining 4.41 hectares are rented from family members on an informal basis.
7. In support of its reason for refusal the Council has submitted a *Report on the Proposed general purpose agricultural building*, by AG & P Jackson, chartered surveyors and land agents, which makes an assessment of the need for the building (the Jackson Report). It confirms that, in order to ensure the welfare of livestock and provide space to store hay, straw and farm machinery, there is a need for an additional building on the farm.
8. As to the necessary size of the building, the Jackson Report indicates that a building of 4 bays of 4.572 metres with a span of 9 metres should be adequate for a landholding of this size. This includes an allowance of 136 m² for equipment, 66 m² for livestock and 28 m² for circulation space within the building. However, of the 20 items of equipment identified by the appellant for storage in the proposed building, the Jackson Report includes an allowance for

only 11¹, on the basis that it considers they are sufficient to manage the landholding.

9. Whilst the Council contends that if account were only taken of the land leased on a formal basis and owned by the appellant, the size of building required would be smaller, that is not a matter addressed by the Jackson Report. I have no reason to believe that the types of farming tasks associated with the smaller and larger areas of land would be any different. I consider it likely that the items of equipment allowed for by the Jackson Report would be likely to remain necessary to farm the smaller area referred to by the Council. Furthermore, I have not been provided with any evidence to show that, if only the owned and formally leased land was available, the relatively small numbers of livestock proposed by the appellant would need to be reduced. Under these circumstances, I give little weight to the Council's contention.
10. The equipment storage accounted for by the Jackson Report estimate includes only 1 of the 4 tractors which the appellant has indicated that he owns. In my judgement, it would not be unreasonable to include storage space for a standby tractor, given that a tractor is likely to be essential for certain time critical farming activities, such as hay making. Furthermore, the Jackson Report places some reliance on the use of the loft of the existing barn for hay and straw storage. However, there is no dispute that access to it, which is provided by a small first floor level door in the gable wall, is difficult. I agree with the appellant that, given the access difficulties, it is unlikely to be practical to use the loft for that purpose and some storage space within the proposed building is likely to be necessary. Under these circumstances, I consider that the provision of a 5 bay building, as proposed by the appellant is likely to be reasonable and necessary, even if account is only taken of the land owned and formally leased by the appellant.
11. The Jackson Report indicates that '*in relation to the height at 4.1 metres to the eaves, it is slightly higher than most livestock buildings which are usually 3.6 metres to the eaves.*' However, what is proposed is a multi-purpose building, not simply a livestock building. The appellant has indicated that the additional height would allow the flexibility, amongst other things, to move off-road equipment into and out of the building by trailer when transporting it between the farmstead and separate parts of the landholding. Given that the majority of the land farmed, whether or not the informally rented hectares are taken into account, is some distance from the farmstead, the slightly greater height proposed appears not to be unreasonable.
12. I conclude that there is a need for the proposed building at the farmstead.

Character and appearance

13. Directly to the west of the farmstead, on the other side of Oak Lea Road is Oak Lea Cottage, some distance to the north of which are single storey buildings comprising Oak Lea Riding School. Opposite the riding school on the eastern side of the road is a modern agricultural building. From Oak Lea Road, buildings comprising Fairways Hotel can also be seen in the distance to the east of the farmstead. Otherwise the surroundings are generally characterised by an open undulating agricultural landscape dominated by pasture.

¹ Tractor, trailer, cattle trailer, saw bench, back actor, baler, mower, hay bob, bale lifter, fertilizer spreader and muck spreader.

14. There is no dispute that the proposed building would be well sited relative to the existing Oak Lea Farmstead buildings. From public vantage points along Oak Lea Road, the proposed general purpose agricultural building would be seen alongside the farmstead and would not look out of place in this context. Furthermore, it would be possible to limit the visual impact of the proposal to some extent through the careful selection of the materials used in its external surfaces; a matter which could be controlled by condition.
15. In my judgement, the visual impact of the proposed building would not be materially reduced if the building design were revised to include an eaves level 0.5 metres lower and a roof pitch of 15 degrees, as suggested by the Jackson Report.
16. I conclude that, whilst the proposal would not enhance the character or appearance of the surroundings nor would it be likely to have a material adverse effect.

Other matters

17. The Council and appellant have drawn my attention to a previous appeal decision Ref. APP/Y3615/A/09/2100834, which involved the erection of a barn in the Green Belt of Guildford Borough Council and was dismissed. However, in my judgement, the circumstances are materially different. The proposal before me, which is not situated within the Green Belt, would be positioned alongside an existing farmstead, which appears not to have been the position in the previous case referred to. Furthermore, I have found that the building is reasonably necessary, even if only the land owned and formally leased by the appellant is taken into account. Under these circumstances, I have found the previous appeal decision to be of little assistance.
18. With reference to the concerns raised in the Jackson Report that the operation of the doors contained within the proposed western gable of the building may be affected by prevailing winds, giving rise to safety concerns, the appellant has indicated that the doors can be detailed in a manner that allows for safe operation. In my view, this is likely to be possible and it is a matter for which the appellant retains responsibility.

Conditions

19. The Council has suggested 5 conditions, which it considers should be imposed in the event of planning permission being granted. In addition to the normal commencement condition, a condition would be required, in the interests of certainty, to ensure that the proposed development would be carried out in accordance with the approved plans, subject to compliance with other conditions. A condition would be necessary to control the materials used in the external surfaces of the building: firstly, in the interests of visual amenity; and secondly, to ensure that it is suitable for the purposes of housing livestock, with particular reference to the need for adequate ventilation identified by the Jackson Report. In the interests of visual amenity, it would also be necessary to ensure that the existing hedgerow along the Oak Lea Road frontage of the land holding would be retained.
20. Condition no. 5 suggested by the Council seeks the removal of the proposed building under certain circumstances. These include where the use of the building for the purposes of agriculture within the unit permanently ceases

within 10 years from the date on which the development was substantially completed and a number of other criteria. The reason given is to avoid buildings detracting from the rural character of the area once no longer required for their original purpose. However, the national *Planning Practice Guidance* confirms that a condition requiring demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Against this background and given my finding with respect to the effect on the character and appearance of the surroundings, I consider that condition no. 5 suggested by the Council would be unreasonable in the particular circumstances of this case.

Conclusions

21. I conclude overall that the need for the proposal is sufficient to justify development in the countryside, with particular reference to the effect on the character and appearance of the surroundings. I consider therefore, that the scheme would not conflict with the aims of LP Policy D1. Furthermore, in my judgement, it is unlikely to be possible to design the proposal in a manner which would contribute to the enhancement and appearance of the surrounding landscape, while still meeting the needs of the appellant's farming enterprise. I have not been provided with any compelling evidence to the contrary. I consider therefore, that the scheme would not conflict with LPe Policy DS2. Insofar as these Policies recognise the intrinsic character and beauty of the countryside and promote the development of agricultural businesses they are consistent with the aims of the *National Planning Policy Framework* (the Framework). I conclude on balance that the appeal proposal would amount to sustainable development under the terms of the Framework and that it would accord with the Development Plan taken as a whole.
22. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR