

Appeal Decision

Site visit made on 29 March 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 28th April 2017

Appeal Ref: APP/C3620/W/16/3165856

Forge Farm, Parkgate Road, Newdigate, Surrey RH5 5DZ

- 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 & Mrs Carolyne and Rob Turner against the decision of Mole Valley District Council.
 - The application Ref MO/2016/0524/PLA, dated 24 March 2016, was refused by notice dated 25 October 2016.
 - The development proposed is agricultural barn for the storage of hay, feed, agricultural plant and machinery.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural barn for the storage of hay, feed, agricultural plant and machinery at Forge Farm, Parkgate Road, Newdigate, Surrey RH5 5DZ in accordance with the terms of the application Ref MO/2016/0524/PLA, dated 24 March 2016 and subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2051.S.B and 2051.1.D.

Main Issues

2. The main issues are whether the proposal would be inappropriate development in the Green Belt and the effect upon its openness, having regard to the National Planning Policy Framework (the Framework).

Reasons

3. Paragraph 89 of the Framework sets out a list of those buildings the construction of which are not considered as being inappropriate within the Green Belt. The list includes buildings for agriculture.
 4. From the evidence before me I am satisfied that the proposed building is for agriculture and therefore is not inappropriate development in the Green Belt. The Framework does not include any reference to the need for the building to be reasonably necessary for the purposes of agriculture. However, an Agricultural Consultant employed by the Council has confirmed that the building is reasonably necessary for agriculture.
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5. The Council goes on to state in its officer report that the existing building that has prior approval to be converted to a dwellinghouse is equally suitable for the agricultural purposes required and is still available as such. Nevertheless, at my site visit I saw that the residential conversion works appeared to be at an advanced stage meaning that the existing building would no longer be available for an agricultural use.
6. No evidence has been provided by the Council to demonstrate that the previous prior approval has a bearing on whether a proposed building would be inappropriate in the context of paragraph 89 of the Framework. Whilst there are restrictions on the use of permitted development rights for agricultural buildings in circumstances where prior approval conversions from agricultural to residential have been carried out, this does not prevent planning permissions being granted for such buildings which accord with the relevant policies. The Council has not advanced any other policy considerations other than those in the Framework in its objection to the proposed development.
7. The Council also states that the proposal would cause harm to the openness of the Green Belt. However, in determining whether or not a building for agriculture is inappropriate, paragraph 89 of the Framework does not require the decision maker to assess the effect on openness. Where development is found to be not inappropriate applying paragraph 89, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Therefore, there is no requirement to assess the impact on openness in this case.
8. As I have found the proposed building to not be inappropriate in the Green Belt in the context of the Framework there is no need for me to go on to consider any very special circumstances. No evidence of any relevant policy or guidance has been provided which indicates that such very special circumstances need to be demonstrated in this case.
9. I have found that the proposed development would not be inappropriate in the Green Belt and consequently would not be harmful to its openness. It would therefore accord with the Green Belt aims of the Framework.

Other matters

10. A representation from an interested party refers to a previous application at the site including solar panels to power emu egg incubators. However, I find no such detail in the current application and I am satisfied from both the size and the positioning of the proposed barn away from existing residential properties that no significant impacts are likely to result upon residential living conditions.

Conditions

11. An approved plans condition is necessary to provide certainty to what has been approved. I do not consider it necessary or relevant to attach the Council's suggested condition regarding hard surfacing as no external hard surfaces have been proposed in the application drawings. I also do not consider that a condition restricting the development for agricultural use is necessary in order to safeguard the rural area as the permitted building is only for an agricultural use and any subsequent material change of use would be the subject of

separate planning controls. Furthermore, there is no persuasive justification before me to indicate why such a condition would be necessary in this case.

Conclusion

12. Therefore, having regard to all other matters, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR