
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: 3rd May 2017

Appeal Ref: APP/C3620/W/16/3159507

Rivendale Farm, Rusper Road, Capel RH12 4PZ

- 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 Ms A Rayment against the decision of Mole Valley District Council.
 - The application Ref MO/2016/1040/PLA, dated 28 June 2016, was refused by notice dated 24 August 2016.
 - The development is the erection of a replacement barn.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement barn at Rivendale Farm, Rusper Road, Capel RH12 4PZ in accordance with the terms of the application Ref MO/2016/1040/PLA, dated 28 June 2016 and subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and RF:1465:01.

Preliminary Matter

2. At my site visit I saw that the development the subject of this appeal has been substantially completed though the cladding and finish to the exterior walls shown on the approved plans is yet to be carried out.

Main Issue

3. Whether the development is appropriate in the open countryside having regard to the size of the building and whether it is necessary for the continuing operation of the holding.

Reasons

4. Saved policy ENV3 of the Mole Valley Local Plan 2000 relates to development in the countryside beyond the Green Belt and seeks to protect the countryside for its own sake stating that development adversely affecting its open character will not be permitted. It goes on to say that only certain types of development will be acceptable, including development for the reasonable needs of agriculture and that all development must be appropriate in scale, form, impact and siting.
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5. The National Planning Policy Framework (the Framework) supports economic growth in rural areas including the development and diversification of agricultural businesses.
6. Paragraph 215 of the Framework explains that due weight should be given to relevant policies in existing plans, according to their degree of consistency with the Framework. In this case, whilst ENV3 shares similarities to the Framework in terms of its aims to protect the countryside, I do not consider that it places quite the same emphasis on the support given for agricultural development as the Framework. Therefore, this moderately reduces the weight I have given to policy ENV3 in this instance.
7. Rivendale Farm is an existing agricultural holding of 26 acres. The appellant keeps a variety of animals at the farm including pigs, sheep, goats and poultry. The appeal barn has replaced a previously existing barn which was destroyed in a fire in 2012. There are also several other farm buildings on the holding which I was able to inspect at my site visit. Whilst I understand that the appellant used to live in the previously existing barn, she now resides in 'Willow Cottage' on the holding.
8. The appellant states that the appeal building is smaller than the barn destroyed by fire through there are no plans to show the size of the previous barn. However, the appellant has provided evidence seeking to show the comparison between the two buildings, including aerial photographs. From the evidence before me, it appears that the appeal building has a smaller footprint than the previous building. Whilst there are no firm details of height, the previous building appears to be of a similar height to that now being considered.
9. Like the previous building, the appeal building is located in a position which appears as being visually attached to the main cluster of farm buildings within the holding. Whilst the previous building was destroyed in 2012, I consider it to be a material factor to which I give substantial weight in determining the impact of the appeal building on the openness of the countryside. Given my findings above, I do not consider that the appeal building has a materially greater impact on the openness of the countryside than the previous situation at the holding prior to the fire.
10. Other than commenting that the appeal building has the appearance of a dwellinghouse, the Council has not specifically objected on this basis in its reason for refusal. Nor has it sought to demonstrate that the building is harmful to the appearance of the surrounding landscape. Whilst the breezeblock walls of the building are currently visible the application drawings show that it is proposed to finish the walls of the building with timber boarding and render. The roof would remain clad in aluminium sheeting. I acknowledge that the windows and doors in particular, give the building a partially domestic appearance and that the internal layout could potentially facilitate its use as a dwellinghouse. Nevertheless, the application is seeking permission for a barn for agricultural use and not a dwellinghouse. The uses of the various sections shown on the submitted plans are linked to the purposes of agriculture. Its future use would be subject to the usual planning controls.
11. The farm comprises 26 acres. In addition to the various livestock including pigs, sheep, goats and various bird species, I note that the appellant produces hay from the fields which is sold on. A number of volunteering staff work at the farm as well as other staff employed on a seasonal basis. There are other

- buildings on the site which at my site visit were mostly occupied by animals and some associated storage. Whilst these could be modernised and perhaps could be more efficiently used, I am not persuaded that they would provide sufficient room for the operational requirements of the holding.
12. The appeal building is subdivided into several different areas, workshops and rooms. A substantial part of the floor space is utilised for farm stores and workshop with further areas used to store feed along with two aviary areas. Further areas are in use as a farm office and kitchen/staff area.
 13. Given the reasonable need to store and maintain equipment for the agricultural holding, along with the need to store food and provide an animal treatment area, these areas along with the aviary sections appear to me to be reasonably necessary for the agricultural holding. The office and kitchen/staff areas may be slightly larger than absolutely required. However, whilst the holding is not a particularly large one, on the balance of probability they also appear to be reasonably necessary for agricultural operations.
 14. The Council says that there is little planning history for the farm. Nevertheless, this does not necessarily provide an accurate indicator of the level of agricultural activity. From the evidence before me and my observations at my site visit, the agricultural holding is a fully operational one with agricultural activity clearly taking place.
 15. Whilst the Council states that the size and nature of the facilities are considered to be excessive given the size of the enterprise, it has not provided any detailed evidence to justify its position. Nor has it sought to respond to the evidence provided in the appellant's statement of case regarding the agricultural need for the appeal building. From the entirety of the evidence before me, I am reasonably satisfied that the development appears to be necessary for the operation of the agricultural holding. It also accords with the aims of the Framework to support agriculture.
 16. The Council draws attention to a comment in a press article regarding the financial viability of the farm. However, I acknowledge that this may be justified by the particular personal circumstance of the appellant at that time and that the appellant says that the farm is now operational and profitable following the rebuilding of the barn. Whilst no detailed evidence has been provided regarding financial viability, this is not a particular requirement of policy ENV3 or the Framework and is not essential to demonstrate acceptability in this case.
 17. I conclude that the development appears to be reasonably necessary for the continuing operation of the agricultural holding and is appropriate development which does not result in any significant harm to the open countryside. It accords with the aims of the Framework in supporting economic growth in rural areas including the development of agricultural businesses whilst preserving the character of the countryside. Therefore, from the evidence before me, I consider that it satisfies the relevant aims of Saved policy ENV3 of the Mole Valley Local Plan 2000 and the Framework.
 18. I have not imposed the time limit condition suggested by the Council as the development has already been commenced. An approved plans condition is necessary to provide certainty to what has been approved. I have slightly altered the wording of this condition from that suggested by the Council in the

light of the advice in the Planning Practice Guidance that conditions requiring development to be carried out in its entirety will fail the test of necessity. Whilst the development has been largely carried out, as the building is yet to be completed the condition as re-drafted is still appropriate.

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

David Cliff

INSPECTOR