
Appeal Decision

Site visit made on 18 May 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 8 June 2017

Appeal Ref: APP/K0425/W/17/3168551

Berry Farm, Mudds Bank Lay-By, Wycombe Road, Stokenchurch HP14 3RS

- 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 Max Roberts of Berry Farm against the decision of Wycombe District Council.
 - The application Ref 16/06005/FUL, dated 11 April 2016, was refused by notice dated 15 December 2016.
 - The development proposed is erection of an agricultural building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Max Roberts of Berry Farm against Wycombe District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy; and
 - the effect of the proposal on the character and appearance of the area which lies within the Chilterns Area of Outstanding Natural Beauty (CAONB).

Reasons

1. Paragraph 89 of the Framework is clear that the construction of new buildings in the Green Belt is inappropriate. However, it adds that an exception to this is buildings for agriculture. Policy GB2 of the Wycombe District Local Plan (WDLP) states that agricultural development in the Green Belt is only not inappropriate if it retains the open character, rural amenities and visual amenities of the Green Belt. The Framework places no other requirements on agricultural buildings in order for them to be not inappropriate, and so accordingly Policy GB2 is not consistent with the Framework and can I give this policy very limited weight. Notwithstanding this, I address the impact of the development on the character and appearance of the area in the other main issue below.
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4. The Council maintains that the proposal must be reasonably necessary for agriculture, and they refer to High Court cases relating to sites in Chiltern District to support their view. However as I have been provided with few details of these cases I can give them only limited weight. I give more weight to the decision of the Inspector into two previous appeals¹ (a copy of which I have been provided with) relating to agricultural development at the appeal site, who concluded that neither local nor national policy states necessity is a consideration.
5. Nonetheless, for the development to be not inappropriate it is necessary to be satisfied that the building would be for agricultural purposes. The plans show that the building would be used to store machinery, such as a tractor or plough, and would also accommodate a WC, shower and an office/rest room for agricultural workers. Whilst I accept the low height of the building may prevent the storage of some larger machinery, the building would still provide some storage for agricultural equipment. Indeed the Council's arboricultural consultant suggested that the agricultural holding could support the need for this amount of storage. The WC, shower and office would be in addition to the storage, but I do not consider they prevent the building from being primarily for agricultural purposes.
6. It also follows that for the building to be considered an agricultural building it must serve an agricultural holding. From my site visit I saw little in the way of an agricultural use on the surrounding area edged blue on the plans. Indeed though I saw two modest sized polytunnels accommodating plants, the rest of the land was used for storage of building rubble, scrap wood, roof tiles, the metal frames of two larger poly tunnels, and a small caravan. I have considered the aforementioned appeal decisions relating to this site, and also a later enforcement notice appeal decision², all of which conclude there is an established agricultural operation at the site. The comments from the Council's agricultural consultant also supports this view. As such, albeit limited in its scope, I consider there is an agricultural operation at the site.
7. As such I conclude the development would be an agricultural building and therefore it would not be inappropriate in the Green Belt and would accord with paragraph 89 of the Framework.

Character and appearance

8. The site is located on exceedingly open land on the south facing slope of a shallow valley which runs between the site and the A40. There is woodland at the top of the slope. The Wycombe Landscape Character Assessment identifies this area within the CAONB as being in the Stokenchurch Settled Plateau which identifies "long views over open fields to a wooded or open skyline" as being one of its characteristics.
9. The structures currently on site appear as a prominent and isolated group, set in the context of the characteristic open fields, when seen from the A40, footpath 77 south of the site, and footpath 75 to the west. Views from positions north and east are partly restricted by the bushes along the northern edge of the holding. Nonetheless, in the context of the openness of its setting,

¹ APP/K0425/W/15/3139573 and APP/K0425/W/15/3139588

² APP/K0425/C/16/3151228

I consider the bulk of the proposal would appear similarly prominent and also incongruous.

10. I accept that the Council's landscape officer raises no objection to the development. However I have had regard to the enforcement notice upheld by the aforementioned appeal which requires the removal of a shed from the site. In dismissing that appeal, the Inspector stated that the shed dominated the skyline and, with its mono-pitched roof and light coloured walls, was the most strident of all the development at the site. This shed has now been removed, but from the photos in the Council's appeal statement, it would appear to have been comparable in height, form and position to the building now proposed, but considerably narrower. As such I consider the same remarks would generally be applicable to the proposal before me, particularly in light of its greater width.
11. The Inspector goes on to add that it is the combination of the shed, four polytunnels and fencing that detracts from the character and appearance of the area. Although the fencing has also been removed, and it is only the agricultural building that is for my consideration, the proposal would contribute to the site's current generally untidy appearance. For this reason also, the development would detract from the open character and appearance of the surroundings and the wider landscape.
12. I note the Inspector in that case considered that a suitably designed and sited shed would be appropriate for agricultural use, and I recognise the Council consider the building's design would not look out of place in a rural area. Whilst I do not disagree, I consider the proposal's bulk in combination with its prominent and isolated position in the wider landscape renders it unsuitable.
13. As such, although the development is not inappropriate development in the Green Belt, it would harm the character and appearance of the area and the scenic beauty of the CAONB. It therefore would conflict with Policy L1 of the WDLP which requires the preservation of the special character, appearance and natural beauty of the CAONB, and Policy CS17 of the Core Strategy Development Planning Document which requires the conservation and enhancement of the CAONB. Furthermore paragraph 115 of the Framework advises that great weight should be given to the conservation of the landscape and scenic beauty of AONBs. For the reasons given above, I do not consider the development would accord with this advice.

Other matters

14. The appellant suggests a planning permission could be conditioned so that the building is not erected until after the proposed polytunnels. However this would not address the harmful effect of the building on the character and appearance of the area.

Conclusion

15. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR