



Appeal Decision

Site visit made on 17 July 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/P3040/W/17/3173851

Blackcliffe House, 75 Loughborough Road, Bradmore, Nottinghamshire NG11 6PA

- 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 and Mrs H Birch against the decision of Rushcliffe Borough Council.
 - The application Ref 16/02591/FUL, dated 13 October 2016, was refused by notice dated 6 December 2016.
 - The development proposed is a storage /workshop building.
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Decision

1. The appeal is allowed and planning permission is granted for a storage /workshop building at Blackcliffe House, 75 Loughborough Road, Bradmore, Nottingham NG11 6PA in accordance with the terms of the application, Ref 16/02591/FUL, dated 13 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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 Drawing No. 7190 OS 2; Existing Site Layout Plan Drawing No. 7190 A 01; and Proposed Site Layout and Elevations Drawing No. 7190 P 02.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted 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 building hereby permitted shall only be used for purposes in association with the smallholding, and no other purposes.

Main Issues

2. The main issues in the appeal are:
 - whether or not the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework);
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and

- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

3. Paragraphs 89 and 90 of the Framework set out the forms of development which are not inappropriate within the Green Belt. These include the construction of buildings for agriculture and forestry. Policy EN14 of the *Rushcliffe Borough Non-Statutory Replacement Local Plan (adopted December 2006)* (RLP) also indicates that development for agriculture and forestry is not inappropriate in the Green Belt.
4. The appeal site forms part of a smallholding which is approximately 3.64ha in size. Whilst some of this land is currently rented to a local farmer, the rest is being utilised by the appellant for the keeping of livestock and growing of a variety of fruit and vegetables. Such uses would accord with the definition of agriculture given in Section 336 of the Town and Country Planning Act 1990. Although, the scale of production may be limited at present it is still of size that enables products to be sold to others, and is clearly more than a hobby.
5. The proposed building would be utilised for the storage and maintenance of machinery used on the smallholding, the storage of food and bedding for the livestock, and the storage and processing of the produce grown. As such, it would be used in association with the land, the livestock kept on it, and crops grown on it.
6. Even though the amount of land currently being used is limited, there is already a range of activities taking place on it. The appellant's evidence shows that these all create different demands for equipment, storage, and in terms of the space needed to process the products. To this end the plans show the building would be divided into a variety of areas and rooms for differing purposes. Given this, I consider that the size of the building would not be excessive, in relation to the size of the smallholding. Moreover, the ability to expand the business, and utilise more of the land is currently limited by the lack of space to store and process the produce.
7. I accept that the business enterprise that is developing on the smallholding is still at a relatively early stage of development, and does not yet employ the appellants full time. In such circumstances, a temporary building is often seen as more appropriate than a permanent one. However, in this case, given the storage and production requirements that arise from the smallholding already, a temporary building is unlikely to be any smaller than the one currently proposed. In addition, as the processing of the produce would have to take place in a building, and with equipment, that met food hygiene standards, I am not persuaded that a temporary building would necessarily be suitable.
8. Overall, I consider that the proposal would be an agricultural building. Consequently, it would not represent inappropriate development within the Green Belt. Accordingly there would be no conflict with the Framework, or Policy EN14 of the RLP.

9. In the light of this conclusion, and having regard to the Court of Appeal judgement¹, as the effect of the development on openness and the purposes of including land within the Green Belt are not expressly stated as determinative factors in gauging inappropriateness for proposals that fall under the first bullet point of paragraph 89 of the Framework, there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt, or the purposes of including land within it.

Conclusion and Conditions

10. For the reasons set out above, I conclude the appeal should be allowed. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, and controlling the use of the building as these provide certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the building.

Alison Partington

INSPECTOR

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404