
Appeal Decision

Hearing held on 18 July 2017

Site visit made on 18 July 2017

by Andrew R Hammond MSc MA CEng MIET MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/Y3425/C/16/3164094

Land and buildings at Greenfields, Stafford Road, Knightley, Stafford ST20 0JR.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Robert Bayliss against an enforcement notice issued by Stafford Borough Council.
 - The enforcement notice, numbered WKS3/00135/EN15, was issued on 26 October 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a building for the storage of tractors, machinery and harvest equipment (in relation to the use of the building for an agricultural contracting business), in the approximate position marked with a cross on the attached plan.
 - The requirements of the notice are
 - (i) Remove the building
 - (ii) Remove from the land all building materials and rubble arising from compliance with the first requirement above, and restore the land to its condition before the breach took place by levelling the ground.
 - The period for compliance with the requirements is three months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building for the storage of tractors, machinery and harvest equipment (in relation to the use of the building for an agricultural contracting business) on land at Greenfields, Stafford Road, Knightley, Stafford ST20 0JR referred to in the notice, subject to the following conditions:
 - 1) The building hereby permitted shall be used solely in conjunction with the agricultural contracting business operating under the name R.R.T. Farming Agricultural Contractors at Greenfields Stafford Road, Knightley, Stafford ST20 0JR.
 - 2) Within three months of the date of this decision details of visibility splays for the westernmost access shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be

implemented within three months of the date of approval and maintained thereafter.

- 3) All agricultural contracting machinery shall enter and leave the site via the westernmost access only.

Main Issues

2. The main issues in this appeal are the sustainability of the development and the effect on the character and appearance of Stafford Road.

Reasons

3. The appeal building is located between Greenfields, a substantial detached dwelling, and a large double glazed window manufacturing facility and showroom. To the other side of the window manufacturing facility, on the corner of Gnosall Road is another detached dwelling but otherwise the area is substantially open countryside.
4. The land on which the building was erected was previously used as garden land for 'Greenfields' although it transpired that the land was within the ownership of the operation next door, which had been an agricultural machinery dealership in the ownership of other members of the appellant's family.

Sustainability

5. The appellant operates an agricultural contracting business providing specialist services and equipment and contract farming services. The appeal building is used to house large and expensive machinery the insurance of which, it is claimed, would not be viable if housed on a remote site.
6. The business is therefore agricultural in nature. Whilst the Council argue that the appeal site is not sustainable and that a site within an existing business park would be preferred, such a location would involve additional journeys on the public highway by the agricultural machinery unless in close proximity. The appellant indicated that approaches to the operators of local industrial estates including that at Ladfordfields, some 5km distant, had been poorly received due to the 'unsympathetic' nature of the machinery and the potential impact upon other tenants.
7. Policy E2 of the Plan for Stafford (LP) sets out development plan policy for Sustainable Rural Development. The policy encourages provision for the essential operational needs of agriculture and the provision of infrastructure needed to support a sustainable rural economy. The appellant's business utilises specialist and expensive equipment which for individual farmers would not be viable and therefore both makes provision for the essential operational needs of agriculture and supports a sustainable rural economy.
8. Furthermore, LP Policy E2 at (a) sets out that development in rural areas should make use of suitable existing buildings or previously developed land before proposing new buildings or development of Greenfield land. The Council suggest that the National Planning Policy Framework (the Framework) excludes garden land from the definition of previously developed land. However, the Framework specifically refers to gardens in built-up areas being excluded. It

has since been established by case law that outside of built-up areas garden land is previously developed land¹.

Character and Appearance

9. The appeal building comprises a steel portal building some 25m x 18m and 7.5m high with green profiled steel cladding over concrete panels. The appearance of the building is agricultural in style and materials, resembling any number of modern farm buildings. Although of significant size compared with the residential dwelling 'Greenfields' it is markedly smaller and less conspicuous than the main building of the window manufacturer to the other side.
10. Whilst, other than the immediate surroundings, the appeal site is within the open countryside, the building, which is substantially screened from the road, is not out of keeping or character in a rural setting.
11. LP Policy N1 states that development should include high quality design that makes efficient use of land and takes into account local character, context, density and landscape. The immediate vicinity of the appeal site is dominated by the large and prominent building of the window manufacturer which sets the local context. The appeal building sits harmoniously on the parcel of land between that building and the appellant's dwelling without unduly impacting on the landscape.
12. LP Policy E2, in addition to the clauses above, states that development should be related to an existing farmstead or group of buildings, or be located close to an established settlement, except where there is an agricultural or other justification for a use in a specific location. The appeal building is well related to the adjacent window manufacturer and does not dominate the adjacent dwelling; and it serves an agricultural purpose within the general location.
13. The appeal building comprises a facility built to serve an agricultural purpose in an appropriate and sustainable location for its use. The development is not contrary to development plan or national policies aimed at ensuring sustainable development or protecting the character and appearance of the countryside.

Conditions

14. A condition linking the use of the building to the specific business of the appellant is necessary given the justification for its location.
15. A condition requiring agricultural vehicles to use only the westernmost access is necessary given the unsuitability of the eastern access for such purposes. However, a condition requiring some form of barrier to ensure compliance with that condition and prevent any conflict between domestic and commercial traffic is neither practicable nor reasonable.
16. A condition requiring the approval of details of visibility splays and their implementation and retention is necessary in the interest of highway safety.
17. Given that the access is surfaced in concrete and slopes away from the highway to existing drains, a condition requiring the access to be surfaced in a bound and porous material is not necessary.

¹ Dartford Borough Council v Secretary of State for Communities and Local Government [2017] EWCA Civ 141

18. Given the nature of the business, the variety of equipment and the extent of hardstanding available, a condition requiring details for the parking and manoeuvring of vehicles, as suggested by the Council, is not reasonable.
19. Given the height, extent and nature of the existing boundary treatment, a condition requiring the approval and implementation of a landscaping scheme is unnecessary.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

Andrew Hammond

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Phil Plant Mid West Planning
Mr Robert Bayliss

FOR THE LOCAL PLANNING AUTHORITY:

Ms Eiryl McCook

INTERESTED PERSONS:

Ms Gail Gregory Gnosall Parish Council

DOCUMENTS

1 Written Statement of Gnosall Parish Council