The Planning Inspectorate

Appeal Decision

Site visit made on 26 June 2018

by B Bowker Mplan MRTPI

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

Decision date: 23 July 2018

Appeal Ref: APP/H1840/W/17/3196517
Dodderhill Court, Crutch Lane, Elmbridge WR9 0BE

- 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 Miss A Stevenson against the decision of Wychavon District Council.
- The application Ref 17/01489/FUL, dated 17 July 2017, was refused by notice dated 7 September 2017.
- The development proposed is agricultural storage building.

Decision

1. The appeal is allowed and planning permission is granted for an agricultural storage building, at Dodderhill Court, Crutch Lane, Elmbridge WR9 0BE, in accordance with the terms of the application Ref 17/01489/FUL, dated 17 July 2017, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and if so;
    - The effect of the proposal on Green Belt openness; and,
    - If the development is inappropriate, 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 the development.

Reasons

Whether inappropriate development

3. The appeal site is located in a holding that, based on the appellant's figure, is approximately 100 acres in size, which includes some rented ground. The appellant states that all of the 100 acres is in agricultural use, comprising 40 acres used as grazing land and 60 acres used for the production of hay/haylage which is then sold to Dodder Hill Equestrian. Based on the Council's figure, the entire holding extends to approximately 75 acres. In any event, the proposal would be sited in a sizeable holding. The proposal comprises an agricultural storage building to be used to store hay and general purpose agricultural implements, machinery and equipment.

4. South Worcestershire Development Plan (SWDP) Policy SWDP 2 E) states that the West Midlands Green Belt will be maintained and development proposed within the Green Belt will be considered in accordance with national policy as set out in the Framework. Paragraph 89 of the Framework sets out which categories of development are not classed as inappropriate development in the Green Belt. Of relevance, one exception of development not considered inappropriate development relates to buildings for agriculture and forestry. As the building proposed is for agricultural purposes (not contested by the Council), and with no substantive evidence to the contrary, it would fall into this exception. Consequently the proposal would not be inappropriate development with reference to the Framework.

5. In reaching its conclusion that the proposal represents inappropriate development, the Council state that the proposed agricultural building is not considered to meet a proven agricultural need that could not be reasonably met through the conversion of an existing building. The Council also state that the site would detract from the openness of the Green Belt. However, the exception at bullet point 1, paragraph 89 of the Framework does not require consideration of agricultural need, use of existing buildings, or an assessment on Green Belt openness, with the impact on Green Belt openness implicitly taken into account in the exception. Consequently, it is not necessary that I separately assess the proposal in these respects.

6. In reaching this view I have taken into account two previous dismissed appeal decisions[1] at the site, cited by the Council as being similar to the appeal before me, involving agricultural buildings. However both appeals comprise materially different proposals, also including a mixture of uses involving equine uses, and caravan and vehicular storage. In contrast, the appeal before me relates solely to an agricultural storage building. Furthermore, the cited decisions involved different development plan policy requirements. These factors limit the weight that I can afford to the cited appeal decisions at the site.

7. Therefore, I conclude that the proposal would not be inappropriate development in the Green Belt having regard to the Framework and development plan policies. Consequently, the proposal meets the relevant requirements of SWDP Policy SWDP 2 E) and the Framework which require development to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Conditions

8. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the conditions in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.

9. A condition specifying the relevant drawings is necessary to provide certainty. A condition relating to materials is necessary to protect the character and appearance of the area. A condition relating to the Water Management Statement is necessary to ensure that the site is adequately drained. A condition to ensure the agricultural use of the building and its removal when no longer required for agricultural purposes is necessary to reflect the proposal as sought and in the interests of the Green Belt.

[1] APP/H1840/A/13/2199457 and APP/H1840/A/10/2136610

Conclusion

10. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be allowed.

B Bowker

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans submitted with the application: ST442.2317 – 003 – Elevations and Floorplan, A4 – Proposed Block Plan, A4 - Location Plan.

3) Prior to the first occupation/use of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and retained as such thereafter.

4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the drawing no ST442.2317 – 003 – Elevations and Floorplan unless alternative materials have been submitted to and approved in writing by the local planning authority before the development takes place. Development shall be carried out in accordance with the approved details.

5) The building hereby permitted shall be used for agricultural purposes only and shall not be used for any other purposes. If no longer required for agricultural use the building shall be dismantled and the resultant materials removed from the site within 3 months of it ceasing to be used for agricultural purposes.