



Appeal Decision

Site visit made on 17 June 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/W1850/W/19/3226656

Land situated north of the property North Hillend, Moorend Wychend Road, Much Cowarne HR7 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr D Brown against the decision of Herefordshire Council.
 - The application Ref 190904, dated 11 March 2019, was refused by notice dated 21 March 2019.
 - The development proposed is an agricultural/forestry storage building.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Class A, Part 6 of Schedule 2 to the Town and Country Planning Act (General Permitted Development) Order 2015 provides that, on an agricultural unit of 5 hectares or more, planning permission is not required for the erection of a building, provided that it is reasonably necessary for the purposes of agriculture within the unit, and subject to certain criteria. The developer is required though to have first applied to the local planning authority for a determination as to whether prior approval is required in relation to the siting, design and appearance of the building.
3. The Council has not indicated that any of the criteria contained within Class A would not be met and does not take issue with the design and appearance of the building proposed. The main issue is therefore whether the siting of the proposed building would be acceptable, taking into consideration its effect on the character and appearance of the area.

Reasons

4. The appeal site is located within an open countryside setting. Although there are scattered farms in the wider area, there are no existing buildings in close proximity to the appeal site. The site is accessed via a track from an existing gate, and is a significant distance from the road and on the side of a small hill. The introduction of a large building in this location, although of a typical agricultural appearance, would be at odds with the undeveloped immediate rural surroundings.
5. I acknowledge the circumstances surrounding the buildings currently available for use by the appellant and that these will not be available going forward and the efforts made to secure a new building for the appellant. I note also the

strategy to site the building on land owned by the appellant with the aim of minimising the impact on the landscape and upon local residents. However, given that I have no detailed evidence before me such as to indicate that alternative sitings on land owned by the appellant would not be workable, I can accord these matters only limited weight.

6. I therefore conclude on the main issue that the siting of the proposed building would not be acceptable, taking into consideration its effect on the character and appearance of the area. It would conflict in this way with Policy LD1 of the Council's Core Strategy (2015) (CS) which seeks to protect landscape character.

Balancing and Conclusion

7. The proposal is offered some support by Policies SS5 and RA6 of the CS which seek to encourage the continuing development of the more traditional employment sectors such as farming and the retention and/ or diversification of existing agricultural businesses. However, there is no substantive evidence to suggest that these aims could not be achieved in this case through an alternative siting of the building and as proposed, the siting would have an adverse effect on the character and appearance of the area.
8. For the above reasons, and taking into account all other matters raised, the appeal does not succeed.

V Bond

INSPECTOR