



Appeal Decision

Site visit made on 2 July 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/R4408/W/19/3227492

Muscle Hill Farm, Lee Lane, Royston, S71 4RT

- 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 Daniel Leadbeater against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/0168, dated 30 January 2019, was refused by notice dated 3 April 2019.
 - The development proposed is a new agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for a new agricultural building at Muscle Hill Farm, Lee Lane, Royston S71 4RT in accordance with application Ref 2019/0168, dated 30 January 2019, subject to the following 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: Un-numbered location plan and DRG A1 (Plans and Elevations 21/1/2019).
 - 3) Prior to any above ground construction, details of the materials to be used in the construction of the agricultural building hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. On 19 February 2019, the Government published an updated revised version of the National Planning Policy Framework (the Framework). In relation to the main issues in this appeal, Government policy has not materially changed, and no parties have been prejudiced by my having regard to it.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal represents an appropriate use for the land, having regard to local and national planning policy;
 - Its effect on the character and appearance of the area; and

- Its effect on the living conditions of the neighbouring occupiers within the converted stable block to the east, with particular regard to noise and disturbance.

Reasons

Whether it is an appropriate use for the land

4. Muscle Hill Farm operates principally as feed and building merchants. The entire holding extends to approximately 70 acres for growing crops (cereals) and hay for sale. This includes land opposite the site as well as being spread over the wider area. Situated on the outskirts of Royston village, the farm buildings are centred on a triangular plot of land on the north side of Lee Lane. The appeal site is located centrally within it. To the north, south and west are mainly open fields whilst to the east, there is a single storey dwelling, converted from a former stable building and beyond that, another farm and outbuildings.
5. The existing buildings at Muscle Hill Farm are set back generously from the road. They include a bungalow that was converted from a stable, as well as a single storey country store, selling mainly feed and equestrian/agricultural supplies. The remainder of the holding, including the appeal site, is open land/yard, partly occupied by farm machinery and hay bales at the time of my visit.
6. The appeal proposal seeks the construction of an agricultural building to be positioned to the north-east of the house. It would be divided for use as an enclosed grain store on one side and an open sided hay store on the other. A previous application for a barn on the site was refused in 2008, principally due to its size, siting and scale although a smaller barn in a revised location towards the rear was subsequently approved in 2009¹.
7. Site allocation MU5 in the Barnsley Local Plan (January 2019) (BLP) is a site-specific policy. In its entirety, it relates to a large expanse of land immediately to the east of Royston, extending to both the south and north of Lee Lane. The appeal site is on the western tip of the policy allocation, furthest away from the existing settlement. Planning permission for 166 dwellings has already been granted within the allocation on the edge of the village, which are under construction. The policy envisages a further 828 dwellings (indicative) within the site, as well as a primary school and small retail facility, subject to a Masterplan Framework to ensure that it is brought forward comprehensively.
8. I appreciate that MU5 primarily identifies the land, of which the appeal site is a part, for housing. However, I have nothing before me to indicate that a Masterplan has yet been developed nor any timescale for its production. The site does not benefit from any planning permission for residential purposes nor am I aware of any impending applications for such development. Indeed, the appellant is the owner of the land and confirms that no approach has been made for its purchase for housing.

¹ Council ref: 2008/1029 and 2009/0144

9. Furthermore, the appeal site lies on the western periphery of the MU5 allocation. The houses currently under construction at Notton Wood View are on the eastern side, closest to the village. It is therefore not unreasonable to assume that building would progress westwards, with the appeal site being towards the very end of the building programme. In the absence of timescales, this would be likely to be some years ahead.
10. Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration. Whilst it clarifies the Government's objective to significantly boost the supply of homes, it also supports the development of a prosperous rural economy. Paragraph 83 advises that planning policies and decisions should, amongst other matters, enable the development of agricultural and other land-based rural businesses.
11. On the evidence before me, I am therefore not persuaded that the construction of the agricultural building would preclude the potential for the land to be purchased for housing at some time in the future to meet the purposes of MU5 and its comprehensive development. The proposal would, however, contribute to the running of an established agricultural business.
12. For these reasons, whilst contrary to the MU5 site allocation and Policy H3 of the BLP, which states that housing sites will be developed only for residential purposes, I consider that there are other material considerations in this particular case to outweigh the conflict with the development plan. I also find that it would not compromise the comprehensive development of the allocation nor would it prejudice any future use of the site, such that I find no conflict with Policy GD1 of the BLP. I therefore conclude that the proposal would constitute an appropriate use of the land.

Character and appearance

13. I appreciate that the proposal would be generously proportioned. However, it would be utilised for the storage of grain and hay. On my site visit, I saw a number of hay bales stacked upon a lorry and given their size, it is not unreasonable to assume that a building required to, in part, accommodate their storage would need to be of a reasonable size.
14. Furthermore, whilst the proposal would sit forward of the existing storage buildings/barns that lie towards the rear of the farm site, it would be positioned almost centrally within it. It would be substantially set back from the road and maintain ample distances to each boundary. I am therefore not persuaded that the site would consequently have a cluttered appearance either individually or cumulatively, nor would it be disproportionate to the size of the triangular farm site overall, the majority of which would remain open.
15. I accept that countryside, such as that surrounding the appeal site, generally has an open and spacious character. However, whilst the proposal would be higher than the adjoining buildings, it would have the typical appearance of an agricultural unit that would not be uncommon on a farm holding such as that surrounding the appeal site. Moreover, details of the materials used in its construction could be secured by condition in the interests of design quality. I

will return to this matter later. It would therefore not be unduly bulky or unexpected within this rural context.

16. The Council have referred to the previous refusal of a barn on this site in 2008 of similar proportions. However, that decision predates the current Local Plan and the Framework. In any event, I must consider the appeal proposal before me on its individual merits.
17. For these reasons, I conclude that the proposal would not harm the character and appearance of the area. I therefore find no conflict with Policy D1 of the BLP. This policy, amongst other matters, sets out an expectation for high quality design to respect and reinforce local character.

Living conditions

18. Excluding the dwelling on the Muscle Hill Farm holding, which is subject to a restrictive condition that it can only be occupied by the appellant and his wife, the nearest residential property is on the adjacent land to the east. It is sited close to the boundary with the appeal site, but it would be approximately 30m from the proposed agricultural building.
19. Moreover, whilst the rear elevation of this neighbouring dwelling would look towards the appeal proposal, there are only two small windows and a high-level opening to this rear façade. Consequently, its main outlook is eastwards from the front elevation, away from the appeal proposal.
20. Furthermore, the proposed agricultural building would be required for the storage of grain and hay. Whilst there would be some noise associated with their transfer into the building, there is an existing agricultural business on the appeal site and the land surrounding it. Indeed, I observed that there are already vehicle movements within this wider agricultural holding, at least associated with transferring hay for open storage. It would also be a seasonal process.
21. For these reasons, I am not persuaded that the proposal would be harmful to the living conditions of the neighbouring occupiers with regard to noise and disturbance. I therefore find no conflict with Policy GD1 of the BLP. This policy, amongst other matters, requires proposals to ensure that there will be no adverse effect on the living conditions of existing and future residents.

Conditions

22. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition, it is appropriate that there is a condition requiring that the development be carried out in accordance with the approved plans, in the interests of certainty. In the absence of any specific information about the colour or texture of materials on the submitted plans, a condition requiring details of materials to be approved by the Council is also appropriate in the interests of the character and appearance of the area.
23. I do not consider that a temporary permission for the agricultural building, put forward by the appellant, would be either reasonable or necessary in the

absence of a Masterplan Framework or timescales for the delivery of housing on the site.

Conclusion

24. For the reasons given above, I therefore conclude that the appeal should be allowed.

Kate Mansell

INSPECTOR