
Appeal Decision

Site visit made on 11 June 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/Y9507/W/18/3211039

Fitzleroi Farm, Fitzleroi Lane, Fittleworth RH20 1JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ('GPDO').
 - The appeal is made by Mr Mark Mac David against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/01956/APNB, dated 6 April 2018, was refused by notice dated 1 May 2018.
 - The development proposed is grain and straw storage building.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ('GPDO') for the siting, design and external appearance of grain and straw storage building at land at Fitzleroi Farm, Fitzleroi Lane, Fittleworth RH20 1JN in accordance with the terms of the application Ref SDNP/18/01956/APNB, dated 6 April 2018, and the plans submitted with it.

Preliminary Matters

2. On the 2 July 2019 South Downs National Park Authority ('SDNPA') adopted the South Downs Local Plan (the 'LP'). Although not determinative in this appeal the main parties have had the opportunity to comment on this changing policy context at appeal.
3. Schedule 2, Part 6, Class A of the GPDO enables as permitted development the erection of a building reasonably necessary for the purposes of agriculture, subject to certain limitations and conditions. Condition A.2(2)(i) is that, before beginning the development, an application must be made to the local planning authority for a determination as to whether their prior approval will be required in respect of 'the siting, design and external appearance of the building'.
4. The principle of the development proposed has been established via the GPDO and the size of the proposed building falls within the parameters set out in the GPDO. Nonetheless, SDNPA's decision notice states that: *'By reason of the proposal's prominent siting, uncompromising mass and bulk through a combination of its scale, design and external appearance the erection of the building would result in demonstrable harm to the character and appearance of this sensitive National Park landscape'*.

5. Conserving and enhancing natural beauty is a statutory purpose of National Parks.¹ The National Planning Policy Framework ('the Framework') explains that 'great weight' should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in this respect.²

Main Issue

6. Given the above, and having regard to prior approval matters for consideration, the main issue is the effect of the development proposed on the character and appearance of the South Downs National Park (NP) with respect to its siting, design and external appearance.

Reasons

7. The proposal is for a building intended to be used for storing grain and straw. It would comprise a steel portal frame structure with a shallow pitched roof, covered in fibre cement sheets. The walls up to a height of 3m would be pre-stressed reinforced concrete panels with steel box profile cladding in a green tone, above these. The east and west elevations would incorporate roller shutters. The building would measure about 36.5 metres in length, 21.3 metres in breadth, with a maximum height of approximately 9.8 metres. New landscaping is proposed about 3m south of the building.
8. The appeal site, i.e. the intended location of the proposed building would be to the immediate south of the principal cluster of buildings associated with Fitzleroi Farm (the land holdings of which extend to over 300 hectares). The buildings include a Grade II Listed farmhouse and barn, along with a complex of traditional and modern farm buildings of varying sizes and designs, the largest of which is a grain store approved in 2010³.
9. The surrounding landscape is characteristically rural with a traditional agricultural field pattern, and wooded stretches of land to the east. The site forms part of SDNPA Landscape Character study area N 'Green Sandhills' an area with a high level of perceived naturalness and lack of human impact and low density of settlement. The development considerations specific to Character area N are that any built development reflects the local vernacular to conserve the rural character of the landscape. The site is located on rising land north of the village of Fittleworth.
10. In terms of design and external appearance, the new building would be similar to the extant grain store. This consistency with the existing approved vernacular style would enable the new building to assimilate with the modern agricultural buildings at Fitzleroi Farm.
11. Based on the appellant's evidence I am satisfied that the siting of the building has been chosen for a number of reasons, these include improving efficiency by consolidating the agricultural operations in one part of the farm, and to make use of existing services and the separate access for the agricultural use. This arrangement also supports the separation of the agricultural activities from other businesses undertaken at the farm e.g. wedding functions taking place in

¹ Pursuant to the National Parks and Access to the Countryside Act 1949 and with reference to the English National Parks and Broads: UK Government Vision and Circular 2010.

² Paragraph 172

³ FT/1000320/FUL

buildings and areas to the north, and equestrian activities to the west, in the interests of health and safety.

12. The appellant has considered utilising other buildings at the farm. However, for a range of reasons these are unsuitable to meet the proposed requirements, and in any event these buildings are in use. Furthermore, any purpose-built replacement of these buildings to accommodate the existing and proposed uses is likely to be constrained in terms of its siting, size and design to safeguard the setting of the designated heritage assets. The Council has suggested the erection of two separate buildings. However, I can only consider the scheme before me. In light of the above, the siting of the new building would be appropriate to meet the functional needs of the appellant's agricultural enterprise.
13. The Landscape and Visual Appraisal (LVA) considers the suitability of the area to accept the proposed scheme in landscape and visual terms. This is in comparison to two alternative locations. The LVA concludes that proposed location (Option A) subject to landscaping and the use of appropriate materials for the building would have the lowest impact on the special qualities of the NP.
14. During my visit my I observed that the extant grain storage building is prominent in views from surrounding land, in particular from the south and parts of Stretch Hill. Nevertheless, this and the group of buildings it forms part of are established features of the landscape. The new building would encroach further south onto a field. However, part of this field is used for the storage of farm machinery and vehicles, and in localised views appears as an extension of the farm operations, as opposed to contributing to the quality of the wider landscape.
15. Moreover, in views from the south the new building would be principally seen against the backdrop of the extant grain store. From the east and west it would be viewed in the context of existing farm buildings, together with surrounding trees and landscaping. Consequently, in long to medium views the effect of the new building on the wider landscape would be negligible. In local views it would be more apparent but would be seen as part of an established farmstead.
16. Drawing on the above factors the proposal would conserve the wider landscape setting of the area. Furthermore, the proposed and recently undertaken planting, would, over-time, help to soften and anchor the building and enhance the wider landscape setting of the area, along with mitigating any changes in the ground level, particularly in localised views. As a result, in the above context, the proposal would not be unduly imposing in public views or result in the loss of significant views.
17. For the above reasons, the siting, design and external appearance of the proposed development would not harm the character and appearance of the NP.

Conditions

18. In replication or conflict with the provisions of Schedule 2, Part 6, Class A of the GPDO, conditions proposed by the Council are unnecessary. In particular, there is no specific power in Schedule 2, Part 6, Class A of the GPDO to impose

conditions other than those therein specified.⁴ Consequently, the suggested landscaping and site levels conditions are not appropriate.

19. Schedule 2, Part 6, Class A paragraph A.2(2)(vi)(bb) specifies that, other than where approval has been given by the local planning authority, the development must be carried out within a period of 5 years from the date on which the local planning authority were provided with the information referred to in paragraph A.2(2)(ii) of that Class, this date is stated as 6 April 2018, based on the application form in respect of application Ref SDNP/18/01956/APNB). Accordingly, a condition requiring that development is commenced within 3 years as proposed by the Council is not necessary.
20. Drawings RA/231/51, RA/072/126, RA/072/501 supporting application Ref SDNP/18/01956/APNB were submitted in the context of Schedule 2, Part 6, paragraph A.2(2)(ii) of the GPDO. Therefore, having regard to provision A.2(2)(v)(aa) of the GPDO, the development must be undertaken in accordance with the details submitted with the application without the necessity of an associated condition.
21. In accordance with paragraph A.2(2)(7) of the GPDO, within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

Conclusion

22. For the above reasons and having taken all other relevant matters into account including the Framework, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

⁴ Pursuant to Schedule 2, Part 6, Class A, paragraph A.2(2)(v)(aa)