

Appeal Decision

Site visit made on 9 May 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/J0405/W/19/3221487

The Old Dairy, Haddenham Road, Kingsey, HP17 8LR

- 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 R Hughes against the decision Aylesbury Vale District Council.
 - The application Ref 18/02526/APP, dated 18 July 2018, was refused by notice dated 27 November 2018.
 - The development is an extension to an agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to an agricultural building at The Old Dairy, Haddenham Road, Kingsey, HP17 8LR in accordance with the terms of the application, Ref 18/02526/APP dated 18 July 2018 subject to the following conditions:
 - This permission shall only relate to the development as carried out and shown on approved drawings entitled 'Elevations and Floor Plan', 'Block Plan' and 'Location Plan' (received by the Local Planning Authority on 18 July 2018) unless otherwise agreed in writing by the Local Planning Authority.
 - The materials used in the development shall remain as built and as specified on the submitted application form unless otherwise approved in writing by the Local Planning Authority.

Application for Costs

2. An application for costs was made by R Hughes against Aylesbury Vale District Council. This application is the subject of a separate decision.

Procedural Matters

3. The development has already been undertaken and therefore I have considered the appeal on that basis.

Main Issues

4. The main issues relating to this appeal are whether there is a need for a further agricultural building on the holding and whether the development would comprise sustainable development as sought by the National Planning Policy Framework (the Framework).

Reasons

5. The appeal site is located within the open countryside for planning purposes; it lies within a parcel of agricultural land associated with a converted dwelling known as The Old Dairy. There are a cluster of residential dwellings and storage buildings within the vicinity of the appeal site.
6. The development is an extension to an agricultural building, which is not a fully enclosed building, but more of a shelter. The building is of timber frame construction sitting on a concrete base incorporating three bays with dimensions of around 33.97 square metres (7.9 metre depth and 4.3 metre width) in size with a ridge height of approximately 2.5 metres. The building would be finished with profile steel cladding (back and side walls) and the roof will be coated profile steel sheets, to match the existing building it adjoins. The building is located towards the rear of the holding, along the boundary with the adjoining farm. There is a hedge along this boundary screening the proposal from wider views.
7. The stated purpose of the agricultural building is to facilitate the continuation of an agricultural business operated from the site. The appellant states that they wish to use the building for more storage on the land in support of the existing agricultural activities as the existing building is not large enough for the storage of all agricultural equipment and to accommodate goats.
8. On the holding there is already a building of around 300 square metres permitted in 2014 (Ref: 14/01364/APP) that I am informed is used for the storage of hay/straw bales, tractor equipment and occasional livestock when required (during winter). There is also a barn that extends approximately 28 square metres, which the Council state was erected in breach of planning control.
9. The Framework supports the rural economy and the sustainable growth and expansion of all types of business in rural areas. It supports the development and diversification of agricultural and other land based rural enterprises.
10. The Council are unconvinced that the holding is being used for agricultural purposes at present. During my site visit there was no evidence to suggest that it was not and a tractor was present on the site. There does not seem to be any dispute that agriculture is the lawful use of the land and the evidence for any change of use is limited. The appellant states that they have been exploring the agricultural opportunities of keeping animals on the site, in particular, goats, and that they have been liaising with a neighbouring farmer who has a larger agricultural holding regarding working together. The fact that no goats were present at the time of my site visit is not sound evidence that the appellant will not buy them.
11. In principal agricultural development is generally accepted in the open countryside and an extension to an agricultural building or rural business may be acceptable where it accords with the Framework principles on sustainability and adopted policies in terms of location, purpose and impact on the character and appearance of the locality. The Council allude to the requirements of the Local Validation List in terms of the supporting documentation they would wish to see. However, they have not provided me with a copy of the requirements that they consider relevant to this specific case, and this significantly limits the weight I can give to this matter.

12. I do not find that the development is contrary to the Aylesbury Vale District Local Plan (LP, 2004), and it is in accordance with the aims of the Framework. In their evidence, the Council refer to LP Policy GP8, which relates to residential amenity, LP Policy GP35, which sets out design principles, and LP Policy GP38, which seeks landscaping proposals. However, as these issues are not raised within the reason for refusal, I am satisfied that these policies are not relevant to my consideration of the main issue.

Other Matters

13. I note the third party comments and those of the Council regarding the vintage cars on the site and the lorries associated with Whiteleaf Furniture company, however, each case must be determined on its own merits and this appeal solely relates to the need for an extension to the agricultural building. I was unable to access any of the alternative storage buildings on the site and as such it is uncertain as to what they are used for.

Conditions

14. I attach a condition ensuring that the development must accord with the approved plans, in the interest of clarity and another to ensure the materials used for the building accord with those specified on the application form to maintain the character and appearance of the area.

Conclusions

15. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed.

Gemma Jenkinson

INSPECTOR