

Appeal Decision

Site visit made on 10 September 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/P0240/W/19/3225624

Falcons Field, Old Water End, Eversholt MK17 9EE

- 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 Joe Burns against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/04311/FULL, dated 19 November 2018, was refused by notice dated 25 February 2019.
 - The development proposed is erection of an agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an agricultural barn at Falcons Field, Old Water End, Eversholt MK17 9EE. The permission is granted in accordance with the terms of the application Ref CB/18/04311/FULL, dated 19 November 2018, subject to the conditions included in the Schedule at Annexe A.

Main Issues

2. As the appeal site is within the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.

Reasons

3. The appeal site is an open area of land of just over two hectares in size on the northern edge of the village of Eversholt. A two storey detached dwelling, which was converted recently from a building in agricultural use, is the only structure on the land. Access to this property is via an unmade road running across the site from Old Water End.

Whether the Proposal is Inappropriate Development

4. The Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions¹. One of these, 145 (a), allows for buildings for agriculture and forestry, as applied for in this case. I agree with the Council that 145 (d) concerning the replacement of a building is not relevant as there is not a building currently at the location of the proposed barn.
5. The Council does not refer in its decision notice to any development plan policies to support the reason for refusal. I note, however, that in its appeal statement reference is made to Policy SP4 of the Central Bedfordshire Local Plan, concerning development in the Green Belt. However, while the plan was submitted for examination in April 2018, it is not clear whether there are outstanding objections to the policy referred to. Consequently, in the absence of any certainty about this matter I can give little weight to the policy for the purposes of determining this appeal². Therefore, I have relied on the national guidance included in the Framework.
6. The Council's principal concern is that the appeal site is relatively small and there is no evidence of it being used for agricultural purposes. Moreover, the conversion of the remaining barn to a dwelling is indicative of the fact that this type of building is not needed. I note that these concerns relate solely to the question of whether the proposal is inappropriate development, as the Council also states that it is satisfied that the scale, mass, bulk, appearance and external finish of the proposed barn would not cause harm to the character and appearance of the area. The appellant contends that the intended use of the barn is as applied for, to store machinery that is associated with the intended use of the land for agricultural purposes.
7. With regard to the exception in paragraph 145 (a), the Framework does not set out any limiting criteria relating to the size of buildings or any other matters. As a general principle, therefore, I am required to consider the proposed development as applied for, unless there is evidence that firmly indicates that the building would not be used for agriculture or forestry. In this case, despite its size, the site is clearly capable of agricultural use given the fact that it is open and capable of cultivation or could be used for keeping animals. Furthermore, I cannot conjecture about the reasons for the conversion of the previous barn to a dwelling and the current application for a barn.
8. Accordingly, on the basis of the information before me, there is no clear evidence to suggest that the building would not be used for agriculture, as applied for. Consequently, I must conclude that it would accord with paragraph 145 (a) and, therefore, it would not be inappropriate development in the Green Belt for the purposes of the Framework.

Effect on Openness

9. The effect on openness is implicitly taken into account in the exceptions included in paragraph 145 of the Framework unless there is a specific requirement to consider the actual effect on openness. Therefore, for those

¹ Paragraph 145.

² In accordance with paragraph 48 of the Framework.

exceptions within paragraph 145, including (a) as in this case, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, and where the development has been found to be not inappropriate development as is the case here, there is no specific requirement to assess the impact of the development on the openness of the Green Belt.

Conclusion and Conditions

10. I have found above that the proposal would not be inappropriate development in the Green Belt and so there is no conflict with the Framework; consequently, the appeal should succeed.
11. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. The additional suggested condition requiring materials to match those on the relevant submitted plan is unnecessary given that the second condition already requires this.
12. I agree that the sustainable drainage requirements suggested by the Council are necessary in the interests of effective water management. However, the Framework indicates that conditions which are required to be discharged before development commences should be avoided, unless there is clear justification³. I agree with the appellant that there is no such justification in this case for approval of the design before development begins. I have, therefore, amended the condition to require submission and approval of the design details prior to any works above ground level.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0024-A100-01 (proposed site plan) and 0024-A110-01 (proposed barn).

³ Paragraph 55.

- 3) The development hereby permitted shall not increase the current rate or volume of discharge from the site to a receiving drainage system or to the environment, unless otherwise agreed by the Local Planning Authority, and above ground works shall not be commenced until a detailed surface water drainage design has been submitted to, and approved in writing by, the Local Planning Authority. The design shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. The scheme to be submitted shall include:
- (i) Plans and calculations showing disposal, storage and conveyance of surface water (up to and including for the 1in100 year event + a 40% allowance for climate change), SUDS shall be prioritised.
 - (ii) Details of the full design of the drainage scheme in its entirety and use of SUDS, including permeable/porous paving.
 - (iii) Overview of proposed construction of the system and any phasing of works.
 - (iv) Confirmation of the management and maintenance arrangements for the surface water drainage system in its entirety, including any split in public and private responsibilities.

[End of Schedule]