The Planning Inspectorate

# Appeal Decision

Site visit made on 31 July 2019

**by E Griffin LLB Hons**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 October 2019**

**Appeal Ref: APP/Z2830/W/19/3228332**
**Land East of Banbury Lane, Weston, Northamptonshire NN11 3SN**

- 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 Order)(England) Order 2015 (as amended)
- The appeal is made by Mr and Mrs Buckley against the decision of South Northamptonshire District Council.
- The application Ref S/2018/1946/AGP dated 28 August 2018 was refused by notice dated 9 November 2018.
- The development proposed is a new agricultural building.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. In the interests of clarity, I have used the more detailed address provided on the appeal form rather than the application form address. As the application form is undated, I have relied upon the date referred to by the Council in their decision notice.

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) enables certain types of development to take place without the need for specific planning permission provided certain criteria are met. Provisions exist under Schedule 2, Part 6 Class A for the erection of agricultural buildings subject to certain limitations and conditions.

4. The parties are agreed that the proposal does fall within the limitations set out at A.1 (a) – (k) of Class A. However, sub-paragraph A.2(2) then sets out conditions to be met before development is permitted by Class A. The appellants were required to apply for a determination as to whether the prior approval of the Council would be required as to the siting, design and external appearance of the building. Concerns regarding the design of the building should it be used for livestock have been addressed with the appellants confirming that the building would be used as a grain store. The Council subsequently refused Prior Approval under a decision notice dated the 9 November 2018.

## Main Issue

5. The main issue is the visual impact of the appeal proposal on the surrounding area with particular regard to its siting.

## Reasons

6. The appeal building would be sited towards the edge of a large open agricultural field located between the villages of Weston and Moreton Pickney at the junction of Banbury Road and Weston Road off a track directly off Banbury Road. To the other side of the track, there is a modest pet cemetery. There is a public bridleway along the side of the site and the surrounding countryside is relatively flat. Grumblers Holt is to the east of the appeal site and is a designated local wildlife site.

7. The proposed grain store would be just under 37 metres by 24 metres with an overall height of around 9.5 metres to the ridge. The appellants refer to the appeal site being screened on three sides to the north, east and west by established hedges, trees and woodland. However, the size and bulk of the appeal proposal in a location which is largely without built form would be visible. The flat topography of the immediate area allows for long distance views of the appeal site and of the surrounding open and predominately undeveloped countryside. The building would be particularly visible when approaching from Weston village. By comparison, the only nearby built development is the pet cemetery at around 6 metres by 9 metres. I do not share the appellant's view that the presence of the pet cemetery results in a cluster of buildings rather than an isolated location for the appeal proposal.

8. As well as the appeal proposal, the appellants location plan shows a wider site area around the building. I share that Council's concern that the proposal would represent a considerable encroachment into the open countryside. I appreciate that thought has been given to its location as it is slightly off the main rural road on a track. Nonetheless, the sheer size and height of the proposal would significantly erode the sense of openness at the appeal site. Although set back and partially screened by existing hedgerows and trees, it would still appear unduly prominent and intrusive when viewed from this road and would be visible from the bridleway and surrounding footpaths.

9. Furthermore, the proposal would be seen in long distance views from the wider area, including the surrounding highway network. Consequently, it would also appear conspicuous in this open, undeveloped, landscape setting when viewed from further afield The appellant accepts that the proposal will impact upon the visual appearance of the area but considers that the rural nature of the District is such buildings are intrinsic to the character of that agricultural landscape. However, the wording of the prior approval procedure does seek to control matters such as siting within countryside locations. It is still the case that the surrounding land is fairly flat and the only nearby building is the modest pet cemetery. The size and scale of the proposal would have a significant impact upon the surrounding area.

10. Reference is also made by both parties to Annexe E of PPG7 which provides guidance on assessing Prior Approval applications. However, Annexe E of PPG7 is contained in the published list of cancelled documents when the Planning Practice Guidance was published in 6 March 2014. As an archived document, it is not a matter that I can rely upon in reaching my decision.

11. The existing farm buildings are located elsewhere at Stonehouse farmyard on the edge of Weston and opposite Lovells Farm. The farm buildings consist of both more modern farm buildings including a grain store that was approved in

2002 and some smaller more traditional barns. The appellants' justification for siting the appeal proposal in its proposed location is that the existing farm site is not suitable. Although the appeal building would be considerably larger than any existing farm building, there is limited evidence to show that demolition of the existing buildings would not enable a similar size structure to be located within the existing farm site. An option to put a new building at the back of the existing farm buildings has also been discounted by the appellants as being in an elevated position. However, any proposal would need to be considered in the context of a working farm and any development to the rear would be viewed together with existing farm buildings if they were to remain.

12. The Council indicates that the floor area of the existing buildings still in agricultural use exceeds 1200 metres and the appeal proposal is around 888 metres. Whilst the existing buildings may not be of adequate size, there is limited evidence as to why a new modern building could not be located in the existing farm site. The appellants appear to have discounted the location of the existing farm site for a new building both in terms of demolition of existing buildings or a new building to the rear of existing buildings and instead is pursuing a separate planning application for housing on the existing farm site. However, the Council has stated that whilst a new building would be higher and bigger than existing buildings, it may be acceptable in the context of Weston as a small rural village where farming activity is part and parcel of everyday life.

13. There is limited evidence that the appeal proposal would represent highway improvements as the appeal site would still involve the use of narrow country roads. Similarly, with regard to noise and disturbance, the existing location has not given rise to any complaints. The existing farm site is not within a Conservation Area but it close to the boundary and the existing newer buildings are utilitarian in appearance and are the kind of structure to be found in a rural village. It cannot therefore be assumed that any development at the existing farm site would harm or impact upon the setting of the Conservation Area.

14. Whilst any new application for the existing site would have to be assessed by the Council, there is limited evidence before me that would justify siting the appeal proposal in an isolated location some distance from the existing farm buildings.

15. The appellants have also provided details of why other locations apart from the existing farm site have been considered but are not in the appellants' view as appropriate as the appeal proposal. Nevertheless, the potential unsuitability of those other locations does not necessarily make the appeal site suitable. I am, therefore, not persuaded that there is sufficient justification to overcome my concerns about the location of a new agricultural building of this size in open countryside where it would result in visual harm.

16. Policy EV5 of the West Northamptonshire Local Plan 2007 states that the erection of an essential farm building will only be considered favourably where the building is designed wherever possible as an integral part of an existing farm complex and the proposal has regard in terms of siting to existing land form and natural features. This policy is material to the main issue in this appeal and, for the reasons set out above, the proposal would be inconsistent with it in terms of the proposed siting of the building.

17. Whilst the appellant has sought to justify the siting in terms of the unsuitability of the existing farm complex, I have not found that there is sufficient justification. In any event, the development plan is only relevant in so far as it relates to siting.

18. For the reasons given, I conclude that the proposal would have an adverse visual impact on the intrinsic beauty and character of the countryside by virtue of its siting. The proposal therefore fails to meet the conditions set out at A.2 of Class A.

**Other Matters**

19. My attention has also been drawn to other parts of the Council's development plan which recognise that agriculture is an important part of the economy. However, as previously stated, the development plan is only relevant in this particular case in so far as it relates to the siting of the proposal. However, it is open to the appellants to submit an application for planning permission, where all relevant sections of the development plan would be engaged.

20. The appellants have also referred to another site which has been granted permission by the Council which they consider to be similar to the appeal proposal. However, I have limited information about that application and each application has to be considered on its own merits.

**Conclusion**

21. Prior approval of the siting of the building is required. For the reasons set out above, the proposed siting would result in an unacceptable visual impact on the area. Consequently, prior approval is refused and the appeal is dismissed.

*E Griffin*

INSPECTOR