
Appeal Decision

Site visit made on 20 August 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2019

Appeal Ref: APP/G2713/W/19/3229985

Brownmoor Farm Alpacas, Brownmoor Lane, Huby, York, North Yorkshire

- 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 Mrs Sylvia Robinson against the decision of Hambleton District Council.
 - The application Ref 19/00127/FUL, dated 19 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is construction of a timber shed to house Alpacas, store hay, feed and bedding.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a timber shed to house Alpacas, store hay, feed and bedding at Brownmoor Farm Alpacas, Brownmoor Lane, Huby, York, North Yorkshire, in accordance with the terms of the application ref:19/00127/FUL dated 19 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in strict accordance with the plans submitted with the appeal namely:
 - Brownmoor Farm Alpaca floor plan
 - Elevation and floor plan scale 1:100
 - Site location plan 1:1250 Centres Maps Live
 - Site location plan 1:1250 Streetwise Maps Ltd
 - 3) No above ground construction work of the building hereby approved shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4) The development hereby approved shall not be brought into use until a manure management plan has been submitted to, and approved in writing by, the Local Planning Authority. The manure management plan shall be implemented as approved and maintained for the life time of the development.

Procedural Matters

2. I have taken the address for the appeal site from the appeal form as the planning application form only identifies the site by a grid reference.
3. I have taken the description of the development from the appeal form and the decision notice as this more accurately describes the development.

Main Issue

4. The main issue is whether the proposed development would be necessary to meet the needs of farming or another enterprise in a countryside location.

Reasons

5. Policy CP4 of the Hambleton Local Development Framework Core Strategy 2007 (Core Strategy) only supports development in the countryside when an exceptional case can be made for the proposal in terms of Policy CP1 and Policy CP2 and it is necessary to meet the needs of farming, with an essential requirement to locate in a small village or the countryside and would help to support a sustainable rural economy. Policy DP26 of the Hambleton Local Development Framework Development Policies 2008 (DP) states that agriculture will be supported by measures that includes guiding the development of new agricultural buildings to locations which are sensitive to their environment. The text in the opening of section 3 to the DP explains that Policy CP1 provides a set of requirements against which all proposals will be assessed helping to ensure all development is sustainable and Policy CP2 seeks to minimise the use of the car.
6. The National Planning Policy Framework (The Framework) at paragraph 83 enables the sustainable growth of rural businesses through well designed new buildings and sustainable rural tourism and leisure development which respects the character of the countryside. Further, paragraph 84 recognises that business needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances, development should be sensitive to its surroundings and take opportunities to make a location more sustainable.
7. The proposed building would house female Alpacas and a stud male Alpaca and provide storage space for hay, feed and bedding. The Council state that the proposed enterprise would fall within the definition of agriculture in paragraph 336(1) of the Town and Country Planning Act 1990 (the Act). The appellant's business plan explains that the Alpacas will be kept for Alpaca quality fleece sales to mills, Alpaca breeding and sale of young stock, Alpaca stud services and Alpaca handling/walking. I would agree based on this description that the main use of the building would be related to an agricultural activity on the land. Further, the business plan submitted with the appellant's statement appears well researched, has a clear indication of how the business would be developed with the support of a new building. The land is owned by the appellant and would be an asset of the business. Overall, the business plan confirms the need for a building if the business is to develop. In the Council's opinion the business has not been found to be viable however I have no evidence before me to support this view.
8. Brownmoor Lane is a rural lane enclosed by hedging and trees with a small number of residential dwellings and agricultural structures adjacent to it. During my site visit I noted that access to the facilities in Huby, via the country

lane and the footpath along Bell Lane, is within a reasonable walking distance. Further, I note the appellant did not live in the village when the planning application was considered however, she now lives in the village and confirms that she could walk to the site. Generally, I am satisfied that although Brownmoor Lane is outside the settlement of Huby it is well related to it.

9. I note the concern about the size of the building, however, the Council are satisfied with the building's siting and design and I would agree that the building is acceptable in its environment.
10. Based on the evidence before me and my site visit, I find that the proposed timber building would support an agricultural use of the land. The business plan sets out how the building would develop the agricultural activity at the site. The evidence provided indicates that the building would be necessary to meet the needs of farming in a countryside location. Further, the building can be located without detriment to its surroundings and is reasonably located to the facilities within Huby.
11. Consequently, I conclude that the building is necessary to meet the needs of farming in a countryside location and would accord with the requirements of Policies CP1 and CP4 of the Core Strategy and Policy DP26 of the DP. The development would also accord with the requirements of Paragraph 83 and 84 of the Framework.

Conditions

12. Conditions are necessary for the avoidance of doubt, to protect the character and appearance of the area and to ensure that the amenities of the adjacent residential property are protected. I do not find that there is a site-specific reason for the levels condition suggested by the Council and therefore this condition does not meet the tests for applying conditions set out in the Framework.

Conclusion

13. For the above reasons, and having regard to all matters raised, the appeal should be allowed.

Diane Cragg

INSPECTOR