
Appeal Decision

Site visit made on 18 September 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/F2360/W/19/3231287
Moorfield, Six Acre Lane, Longton PR4 4SE

- 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 Graham Fletcher against the decision of South Ribble Borough Council.
 - The application Ref 07/2018/7021/FUL, dated 23 July 2018, was refused by notice dated 11 January 2019.
 - The development proposed is Erection of a replacement agricultural building to replace existing.
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Decision

1. The appeal is allowed and planning permission is granted for: Erection of a replacement agricultural building to replace existing at Moorfield, Six Acre Lane, Longton, PR4 4SE, in accordance with the terms of the application, Ref 07/2018/7021/FUL, dated 23 July 2007, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The proposal is described in the application as 'erection of a replacement agricultural building to replace existing'. The Council amended the appellant's description to 'replace agricultural storage building with a two storey building to accommodate a workshop, dry store, machinery store and hay loft'. Whilst the Council's description includes more information, I retain the appellant's description in the banner as it accurately describes the proposal.

Main Issue

3. This is whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.

Reasons

The site and proposal

4. The site, Moorfields is located at Six Acre Lane, approximately 1.5km from the village of Longton. The appellant's property comprises a bungalow, stables, riding arena, areas of paddock and pasture and the outbuilding which it is proposed to rebuild. The property is registered as a smallholding.
5. The existing building is split into 2 parts and is in poor condition. The first, closest to the house, has the appearance of a garage/workshop, with blockwork

walls and a low, sloping mono pitch roof. The other part of the building is open fronted, higher than the other building, having timber boarded upper walls, a blockwork sub wall, and a dual pitched roof. The roofs of both buildings are finished in corrugated sheeting. The application form describes the building as being in agricultural use.

6. The proposal would create a new building, on a similar footprint to the existing structures, although higher and creating a hayloft at first floor over part.

Inappropriate development

7. The site is located within the Green Belt. Paragraph 145 of the Framework¹ sets out the exceptions under which a new building should be regarded as not comprising inappropriate development. Policy G1 of the South Ribble Local Plan² (SRLP) also sets out the exceptions³. The appellant's view is that the proposal is not inappropriate development due to sub paragraph a) relating to buildings required for agriculture and forestry and c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
8. In respect of sub paragraph c), the proposal is for a new building, and goes well beyond an extension or alteration to what exists presently. It therefore cannot be applicable.
9. In the case of sub paragraph a), the response to the application from the Council's agricultural consultant states that whilst the site is a smallholding, any agricultural activities are undertaken on a hobby basis and the holding is not of sufficient size to be classed as an agricultural holding or provide an agricultural income. Concern is also raised about the design of the building and its suitability for agricultural purposes, including the access to the hay loft and the extent of ventilation proposed.
10. However, this does not firmly demonstrate that the proposed building would be used for purposes other than agriculture. Furthermore, the appellant has raised no objection to a planning condition limiting the use of the building to uses including those described in the application. Subject to this restriction, and given the existing use of the land in question, the proposal would clearly amount to a building for agriculture. It therefore meets the relevant exception to inappropriate development.
11. On that basis I conclude that the proposed building is to be used for agricultural purposes and the exception under sub paragraph a) is engaged. Accordingly the proposal does not comprise inappropriate development. As I have found that the proposal does not comprise inappropriate development, there is no need to consider the effects on openness any further.

¹ National Planning Policy Framework February 2019

² Adopted July 2015

³ The exceptions set out in Policy G1 have been superseded by later revisions of the Framework

Other matters

12. On my site visit I looked at the site from a number of locations including within Six Acre Lane and from Gill Lane. Given the extent of screening by existing buildings and hedgerows, the visual effect of the proposal would mainly be within Six Acre Lane, even then only when approaching the site. The lane terminates at the gates to the appeal property but continues as a public footpath to Gill Lane. There are dense hedgerows along the length of the footpath and even during winter months any views towards the proposal would be heavily filtered.
13. Given the limited areas from which the proposal would be visible, there would be a low to moderate impact on the character and appearance of the area as a result of the increased height of the building. These effects would not be of such a magnitude that the appeal should not be allowed.
14. The Council has expressed concern that the proposed materials are not appropriate to an agricultural building in a rural area. Whilst the majority of the walls would be in brick, the tractor store/hayloft would be partly timber boarding. The roof would be of grey steel sheeting. In the context of the appeal site, the building would not appear out of place or inappropriate for the intended use.
15. I therefore conclude that there would be no harm to the character and appearance of the area.

Conditions

16. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however some have been edited for consistency and clarity.
17. For certainty I attach the normal planning condition limiting the period of the consent to 3 years. In order to prevent any doubt over what is approved I attach a condition requiring the development to be carried out in accordance with the approved plans, which I specify.
18. In the interests of protecting wildlife, I attach a condition requiring that the demolition of the existing building should not take place during the bird breeding season.
19. The site is close to other residential properties on Six Acre Lane and in order to protect the living conditions of the occupiers of those properties I attach conditions limiting the times during which construction work and the delivery of material and removal of waste takes place.
20. The Council Environmental Health Officer has suggested conditions in relation to the possibility that ground contamination is encountered during construction; verification that no such contamination was found (if relevant); no installation of floodlighting without the further approval of the Local Planning Authority; and no lighting of fires on the site. Having regard to the location of the site in relation to other residential properties, including the appellant's, I find these conditions to be necessary and reasonable in the interests of health.

21. The Council has also requested a condition requiring an acoustic survey to be undertaken. Given the proposed agricultural use of the building and the type of activity to be carried out within it I do not consider such a condition to be necessary and reasonable.
22. The consent is granted on the basis that the building is required for agriculture and is therefore not inappropriate development. The Framework and the Planning Practice Guidance are clear that conditions which restrict the use of permitted development rights should only be used in exceptional circumstances. The circumstances in this case justify the attachment of a condition which would limit its use to the agricultural purposes stated in the application and I therefore attach such a condition.

Conclusion

23. I have found no conflict with the Framework and the aims of Policy G1 of the South Ribble Local Plan⁴ and the related Central Lancashire Rural Development Supplementary Planning Document⁵ which taken together, and amongst other matters seek to protect the openness and permanence of Green Belts.
24. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should succeed.

Tim Wheeler

INSPECTOR

⁴ Adopted July 2015

⁵ October 2012

Schedule of Conditions

- 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development, hereby permitted, shall be carried out in accordance with the following approved plans: Replacement Agricultural barn Existing Building Details 551.1/MSA/PL1; Replacement Agricultural barn Proposed site layout 551.1/MSA/SLP; Proposed Agricultural barn Proposed Details - 551.1/MSA/PL2.
- 3) No works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March to 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed survey of the buildings for active birds' nests immediately before they are cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Should such a survey be undertaken, written confirmation of its findings shall be submitted to the Local Planning Authority.
- 4) During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday and 09:00 - 13:00 on Saturdays. No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.
- 5) No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.
- 6) Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.
- 7) Should no evidence of ground contamination be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to the first use of the buildings, which confirms that no adverse ground conditions were found.
- 8) No external flooding lighting or security lights shall be installed at the permitted development without first obtaining written permission from the Local Planning Authority.
- 9) There shall be no burning of waste material or vegetation on site.
- 10) Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the proposed two storey agricultural building shall be retained

solely for the use applied for (workshop, dry store, machinery store and hay loft) and incidental domestic storage. In particular it shall not be used for any other domestic, trade or business purposes without the express permission of the Local Planning Authority.

ENDS