



Appeal Decision

Site visit made on 29 October 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/E2734/W/3235313

Willow Farm, Braythorne Lane, Stainburn LS21 2LW

- 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 2015 (as amended)
 - The appeal is made by Mr Alan Yates on behalf of A, B and N Yates against the decision of Harrogate Borough Council.
 - The application Ref 19/01401/PNA, dated 29 March 2019, was refused by notice dated 30 April 2019.
 - The development proposed is the erection of an agricultural storage building.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO) for the erection of an agricultural storage building at Willow Farm, Braythorne Lane, Stainburn LS21 2LW, in accordance with the details submitted pursuant to Schedule 2, Part 6, Class A of the 2015 GPDO through application Ref 19/01401/PNA, dated 29 March 2019. The approval is subject to the conditions that the development must be carried out in accordance with the details approved and be carried out within a period of 5 years from the date on which the application was submitted to the local planning authority.
2. The approved plan is as follows: Site Location Plan.

Procedural Matters

3. The application form includes a description of the proposed building with particular regard to the materials to be used in its construction. For clarity, in the banner heading above, I have therefore taken the description from the appeal form and the Council's decision notice, as this is more precise and refers to its proposed use for storage.
4. This appeal follows the Council's decision to refuse an application for prior notification of an agricultural development under Schedule 2, Part 6 of the 2015 GPDO. In refusing it, the decision notice refers to the siting and design of the building and, that it is not considered to be a structure that is reasonably necessary for the purposes of agriculture. The reason for refusal makes general reference to the 'wording' of Part 6: Class A of the 2015 GPDO, which relates to agricultural development on units of 5 hectares or more.
5. I consider the reference to siting and design on the decision notice to relate to paragraph A.2(2)(i) of Class A, Part 6 of the 2015 GPDO. As relevant to this

- appeal, paragraph A.2(2) states that development consisting of (a) the erection, extension or alteration of a building is permitted by Class A subject to six conditions. Of these, (i) confirms that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. The Council have refused approval of these details.
6. Turning to the issue of whether or not it would be a building that is 'reasonably necessary for the purposes of agriculture'. Under Class A(a) of Part 6, for a proposal to be 'permitted development (PD)' it must be undertaken on 'agricultural land comprised in an agricultural unit' and be 'reasonably necessary for the purposes of agriculture within that unit'. It is subject to the criteria set out at A.1 of Class A and there appears to be no dispute between the parties in respect of parts (a)-(k) of A.1.
 7. However, agricultural land is defined at paragraph D.1 of Part 6 as land which, before development permitted by that Part is carried out, is in use for agriculture and which is so used for the purposes of a trade or business. In effect, for the purposes of a building erected under Part 6, there must be an existing agricultural trade or business in operation on the land in order to benefit from PD rights.
 8. The Council's objection in this respect is that the development would not amount to PD in these terms. However, the prior approval procedure set out under Part 6, Class A makes no provision for any determination to be made of these matters as part of this appeal. Development is permitted through the operation of Article 3(1). The effect of Part 6, paragraph A.2(2)(i) is that development which is PD under Article 3(1), Schedule 2, Part 6, Class A, and within the scope of A.2(2), is subject to conditions. For those conditions to come into play, and the development to be PD under Article 3(1), it has to come fully within the description of PD in the relevant Part and Class. Development that is constructed not in accordance with the terms or conditions of the permission would be at risk of enforcement action.
 9. Consequently, whilst I acknowledge that the parties do not agree on whether the proposal would constitute PD, the possible status of the development in relation to this point falls outside the remit of my decision. I am, instead, addressing the question of whether, should the scheme come within the status of PD, prior approval should be granted.

Main Issue

10. Notwithstanding that the status of the development as 'permitted development' is beyond my ambit, Part 6, Class A involves a determination of whether or not prior approval will be required as to the siting, design and external appearance of the building. Consequently, this is the main issue in my determination of the appeal, with specific regard to siting and design.

Reasons

11. The appeal site lies parallel to the southern boundary of a large agricultural field, one of three that constitutes the appellant's 5.9-hectare agricultural holding. This field is bounded by Braythorne Lane to the west, a narrow country road. To its southern boundary is fencing, with a small group of mature trees

alongside it. Further fields lie to the north and east. At the time of my visit, I observed 35-40 sheep grazing within the field. It is within the open countryside, surrounded by a network of field systems enclosed by a variety of walls/fences/planting and with scattered farmsteads, giving the area a distinctly rural character.

12. The proposed building would be used for agricultural storage. It would be open plan to allow for flexible use, including the storage of hay/haylage and straw, lambing, isolation of livestock when necessary and shelter in adverse weather conditions. It would have a ground area of approximately 208sq.m. and I have no substantive evidence before me to demonstrate that a smaller building or temporary field shelter would be more appropriate to the size of the holding.
13. The site lies in open countryside. It is also within the Green Belt. In this respect, the National Planning Policy Framework (the Framework) explains that the essential characteristics of Green Belts are their openness and their permanence.
14. Whilst the principle of the development proposed has been established via the GPDO, I acknowledge the Council's view that the proposal would result in an isolated building that would affect the openness of the Green Belt. However, the reference to isolated buildings within the Framework is in the context of homes in the countryside, rather than non-residential buildings. Moreover, the Framework does not preclude buildings in the Green Belt where specific tests are met. As relevant to this appeal, it confirms that the construction of new buildings should be regarded as inappropriate in the Green Belt except for the exceptions listed at paragraph 145. These include at (a) buildings for agriculture and forestry.
15. In its design and appearance, the written description of the proposed development describes a steel framed barn constructed in concrete panels and timber boards with a sliding door at each end. I understand that these materials would be dark in colour. Whilst I appreciate that within the vicinity of the appeal site, agricultural buildings typically appear to be part of a farmstead, positioned alongside a farmhouse, I consider that the proposal would have the external manifestations of an agricultural building. Even though it would be set apart, it would be appropriate to its rural context and such buildings are not uncommon within either the countryside and/or Green Belt.
16. Furthermore, whilst the proposal would be sited in close proximity to Braythorne Lane, it would present a short 9m flank elevation to the road. It would also be of a modest scale, being 3.7m to the eaves and 4.5m to the ridge. On my site visit, I observed that it was a quiet rural road and the mature planting along the edge of the field, adjacent to the lane, would provide some screening of the building. Being also set against the backdrop of existing planting to the southern boundary of the field, it would not be unduly prominent or visually obtrusive from this direction as a result. The planting would also obscure the building looking northwards. Moreover, it would not be noticeable from the busier B6161 to the west, given its distance from it.
17. I am also mindful that consideration has been given to its siting within the wider agricultural holding. It would be positioned close to the gated entrance to the field from the road, which would mitigate any requirement for lengths of access track across it were it to be situated further from the highway. The land also slopes gently up from the southern boundary towards the north and

Greenmires Lane. The building would therefore be situated on the lower part of the field. Whilst the landscape is open and expansive, given the topography and distance to this road, I am not persuaded that the proposal would be dominant in long views from it, looking southwards across the fields.

18. I therefore find the siting, design and external appearance of the proposed building to be appropriate in its context. There are no other considerations that might indicate that the appeal should be dismissed.

Other Matters

19. On my site visit I observed a shelter in a field to the south of the appeal site. The Council also refer to the site access having been surfaced with stones without any form of consent. However, my role is confined to the proposal before me and these are matters for the Council to enforce.
20. Furthermore, neither the appellant's home address nor the density of stock relative to the size of the holding are relevant to my assessment of the proposal against Part 6.

Conditions

21. Any planning permission granted under Article 3(1) and Schedule 2, Part 6, Class A is subject to the condition that it must be carried out in accordance with the details approved and be carried out within a period of 5 years from the date on which the application was submitted to the local planning authority.

Conclusion

22. For the reasons set out above, and having taken all other relevant matters into account, the appeal is allowed and prior approval under Schedule 2, Part 6, Class A of the 2015 GPDO is granted.

Kate Mansell

INSPECTOR