



Appeal Decision

Site visit made on 28 August 2019

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

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/F2415/W/19/3230880

Dandelion Farm, Ingarsby Road, Keyham LE7 9JU

- 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 Ms Maria Plowman against the decision of Harborough District Council.
 - The application Ref 18/02051/FUL, dated 4 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is: Installation of a mobile home for a temporary worker's dwelling and erection of an agricultural building (revised scheme of 17/00924/FUL).
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Decision

- 1 The appeal is dismissed.

Procedural Matter

- 2 The Harborough Local Plan 2011 – 2031 adopted on 30 April 2019 (the HLP) supersedes the policies in the Harborough District Local Development Plan Core Strategy 2006 – 2028 and the retained policies in the Harborough District Local Plan. Policies quoted in the decision notice from the superseded plans are no longer relevant to my consideration of this appeal. The Council has directed me to HLP Policies GD3, GD4e, GD5 and GD8 and Policy GD4 as policies relevant to this appeal. The appellant has confirmed agreement that these are the relevant policies.

Background and Main Issue

- 3 Since the appeal decision, the appellant has submitted a revised planning application for a temporary worker's dwelling and an agricultural building of reduced size¹. The temporary dwelling would be sited in the same position as the appeal proposal, but the building would be in a different location, and smaller in size than that proposed in the appeal and it does not provide for a site office. That application was approved with conditions by the Council on 13 August 2019. In this context the need for onsite accommodation for a temporary period, has been accepted by the Council, as has the principle of an agricultural building and these represent a fallback position for the appellant.
- 4 The main issue is therefore the effect of the proposed agricultural building, office and associated hardstanding on the character and appearance of the site and the open countryside having regard to whether the size of agricultural building proposed is justified in relation to the intended agricultural enterprise.

¹ Local Planning Authority Ref. 19/00949/FUL

Reasons

- 5 The appellant intends to develop a mixed agricultural enterprise where the primary activity would be a 250 free range rabbit unit raised for meat with other livestock rearing including pigs and poultry on a site of 3 hectares.
- 6 In 2017 planning permission was granted² for the siting of a temporary agricultural workers dwelling and that now proposed would be in the same location. As the need has been accepted by the Council on that application, and the evidence in the appeal proposal is that the quantum of livestock would require the presence of a full-time worker on site, I have no basis on which to disagree that the need for an agricultural worker would exist if the business were to be established as planned. It would accord with Policy GD4 of the HLP and to the aims of the National Planning Policy Framework³ in supporting an agricultural business.
- 7 The second element is the construction of an agricultural building, separate office and hardstanding. These would be sited in the centre part of the site in an area which is well screened by existing poplars. The Council's agricultural adviser casts doubt on the size of the agricultural building, raising concerns about the lack of evidence to support the size of building proposed. His view appears to be based around the former proposal for a building of approximately 75m², approved under the 2017 planning permission and again as part of the 2019 approval. He made no comment on the provision of an office.
- 8 The appeal proposal represents a significantly larger building which would incorporate a feed store, workshop area, drying and freezer rooms and a kitchen/butchery. However, the appellant intends that the uses to which some parts of the building could be put would be flexible, depending on the needs of the agricultural business and seasonal changes. For example at times it could be used for keeping livestock. The appellant has submitted an agricultural appraisal, including a second report which provided a more detailed specification of the uses to which the proposed building would be put.
- 9 The Council's preferred location for the agricultural building to serve the farm is that consented in the August 2019. This would be the same location, and size, as that proposed in the 2017 application. The approved location is close to that of the mobile home, and the western boundary of the site. The Council's objection to the location proposed in this appeal is that by siting the building within the centre part of the site it will be necessary to construct a hard-surfaced track to that area of the site and to avoid the creation of a hardstanding around the building.
- 10 Whilst I understand the Council's wish to concentrate the built structures in the area closest to the access to the site, there would be advantages in siting the agricultural building as proposed as this would be well screened from the surrounding area by tree belts and would have little impact on the local landscape. On my site visit it appeared that the track was already in place.
- 11 The size of the building is the key dispute between the parties. The Council in its Supplementary Planning Guidance on the design of agricultural buildings⁴

² Local Planning Authority Ref. 17/00924/FUL, approved 6 September 2017

³ Paragraph 83 of the National Planning Policy Framework

⁴ Harborough District Council – Agricultural and Equestrian Buildings and Development for Sport and Recreation in the Countryside Note No 6 March 2003

states that new buildings will be permitted where they are required for agricultural purposes and do not affect the character and appearance of the countryside. In addition, wherever possible they should be located next to existing buildings and should be of appropriate scale and massing for the location.

- 12 Policy GD3, relating to development in the countryside, does not require that the size of new agricultural buildings should be justified by reference to the specific activities carried out, and there is no specific policy basis to limit the size of the building. I am mindful though that the holding is relatively small at 3 hectares and the cumulative impact of buildings needs to be considered.
- 13 The appellant has provided a reasoned justification for the size of the building proposed. However, this does not take into account the building approved under both the 2017 and 2019 planning permissions. No mechanism has been offered to ensure that the building could not also be built and that 2 such buildings would, on the basis of the agricultural activity outlined, exceed what could reasonably be judged as necessary for the agricultural enterprise to function on the scale proposed.
- 14 Taking all of the above into account I consider that there is insufficient evidence to justify a second building in addition to that recently consented in connection with the needs of the intended agricultural business. As such the proposal would conflict with Policy GD3 of the HLP which, amongst other things, states that development for agriculture will be permitted where it is necessary to support rural life and maintain and enhance the rural economy. As this is an enterprise not yet established two permanent structures could not be justified and the appeal should not succeed.
- 15 The Council has suggested that Policy GD4 of the HLP is relevant to my consideration of the development as a whole. However, since GD4 relates to new housing in the countryside it can only be relevant to the issue of the temporary workers dwelling, for which the Council has already issued a consent. Policies GD5 and GD8 of the HLP relate to the protection of landscape character and promoting good design; given the potential that 2 agricultural buildings could be erected on the site, there would also be conflict with these policies.
- 16 Policy GD3, which seeks to permit development outside of rural villages where it is required for agriculture, cannot be complied with since the need for a second agricultural building on the holding has not been justified.
- 17 The Framework supports the development and diversification of agricultural business. Whilst in principle the proposal is compatible with this aim, a second agricultural building without robust justification runs counter to the Framework's aim to protect the intrinsic beauty of the countryside.

Conclusion

- 18 For the reasons given and having taken all other matters into account the appeal is dismissed.

Tim Wheeler

INSPECTOR