



Appeal Decision

Site visit made on 26 November 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/R1845/W/19/3235133

Moorfield Barn Farm, Heightington, Bewdley DY12 2XX

- 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) (England) Order 2015 (as amended).
 - The appeal is made by Mr R Cole against the decision of Wyre Forest District Council.
 - The application Ref 19/3030/AG, dated 3 June 2019, was refused by notice dated 1 July 2019.
 - The development proposed is described as a hay and storage building.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for a hay and storage building at Moorfield Barn Farm, Heightington, Bewdley DY12 2XX in accordance with the terms of the application Ref 19/3030/AG, dated 3 June 2019.

Procedural Matters

2. The application form did not contain a description of the proposed development, so I have used the description on the appeal form which matches that on the Council's decision notice.
3. The prior approval procedure as set out under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) makes no provision for any determination to be made as to whether the proposal would be permitted development. My decision in this appeal, therefore, does not purport to confirm whether or not the proposal would constitute development of a description falling within Part 6 of the GPDO.
4. Paragraph A.2(2) of the GPDO requires, *inter alia*, a determination to be made as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the proposed building.

Main Issue

5. As a result of the foregoing, the main issue in this case is the effect of the proposal on the character and appearance of the area, with regard to siting, design and external appearance.

Reasons

6. The submitted plans show that the proposed building would be approximately 4.5m high to the ridge and 3.6m to eaves. It would have a length of approximately 18m and a width of 9m. The walls would be clad in cedar wood and the roof would comprise dark green roof sheeting.
7. I saw on my site visit that some ground levelling works had taken place close to the appeal site, which appeared to be in connection with another agricultural building recently permitted by the Council¹ (the permitted building). The appellant has provided me with a copy of the plans relating to this approval and they demonstrate that the permitted building would have a considerably greater overall footprint than the appeal proposal. As a result of its extant nature, the permitted building is a significant material consideration in this case.
8. Despite its position within expansive, undulating countryside which has a pleasant appearance and ambience, the appeal site is located partially downslope and away from higher ground which is generally to the north and east. Furthermore, the proposed building would be located generally to the north west of the permitted building, but it would be much smaller and less conspicuous in comparison. On my site visit I was able to ascertain that the proposed building would, in many instances, be seen against the backdrop of the larger permitted building, and its downslope position would limit instances where it would be visible against the skyline.
9. Even if I was to assume that the permitted building will not be erected, I saw several containers and structures close to the appeal site, and whilst I do not know the planning status of these, the Council does not suggest that they are unauthorised. The location of the appeal building amidst these structures and downslope of other buildings which lie further along the existing track would ensure that the proposed building would not appear isolated. Moreover, the proposal, which would incorporate rustic materials and have an 'agricultural' design, would not be overly prominent in the landscape. Consequently, I find that the siting, design and external appearance of the proposal would be acceptable.
10. I appreciate that the Council are concerned that no consideration has been given to alternative locations which, according to them, may be less intrusive. They also contend that the building would be excessive for the size of the holding and no agricultural justification for it has been provided. Furthermore, I note that there is no evidence before me to suggest that the site has the benefit of a Lawful Development Certificate² confirming an agricultural use. Be that as it may, I have assessed the appeal on its own planning merits and concerns as to whether the proposal would be permitted development, would, as set out above, be outside the remit of my decision.

Conditions

11. Any planning permission granted under the GPDO is subject to the condition at paragraph A.2(2) that development shall 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.

¹ Wyre District Council planning reference - 19/3014/AG

² See sections 191 and 192 of the Town and Country Planning Act 1990

12. Based on the details submitted, which clearly show the materials and dimensions of the building proposed, there is no reason for me to attach any planning conditions relating to this or any other matter.

Conclusion

13. For the reasons given above I conclude that the appeal is allowed.

Matthew Woodward

INSPECTOR