



Appeal Decision

Site visit made on 18 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/B5480/W/19/3232182

Mylands Farm, Broxhill Road, Havering-atte-Bower, Romford RM4 1QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Dermot McDermott against the decision of the London Borough of Havering.
 - The application Ref P1914.17, dated 4 September 2017, was refused by notice dated 31 May 2019.
 - The development proposed is the construction of an agricultural barn.
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Decision

1. The appeal is allowed and retrospective planning permission is granted for the erection of an agricultural barn at Mylands Farm, Broxhill Road, Havering-atte-Bower, Romford RM4 1QH in accordance with the terms of the application Ref P1914.17, dated 4 September 2017, subject to the Schedule of Conditions attached to this decision.

Preliminary Matters

2. A proposed agricultural barn measuring 25 metres by 10 metres was granted prior notification approval 24 October 2013. However, that barn was not constructed. Instead, sometime in 2017 the appellant proceeded to construct a slightly larger barn on a site adjacent to the 2013 site. The planning application seeking retrospective planning permission for that larger barn was submitted in September 2017. From my inspection of the site it is clear that the 2017 barn has been fully constructed.
3. For the avoidance of doubt, the planning permission granted by this decision is for the development proposal as shown in the application and the accompanying plans.

Main Issues

4. The main issues in this appeal are, firstly, whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy, and secondly its effects on the character and appearance of the area.

Reasons

Whether Inappropriate Development

5. The site is broadly oblong in shape and comprises 3 fields collectively measuring around 15 hectares. Access to these fields is via a gate from the Broxhill Road which forms the northern boundary. The fields slope down quite steeply from the road such that those travelling past only have a restricted view. The concrete and galvanised steel barn subject to this appeal measures around 25 metres in length, 13 metres in width and 6 metres in height. Internally, the barn is divided into two separate areas: a secure area for the storage of agricultural equipment and an open area for the storage of grain. About 20 metres to the east construction is in train for a second barn with a double ridge. At the time of my visit the structural framework for this second barn had been erected.
6. Paragraph 145 of the Framework identifies those categories of development which are to be treated as exceptions to the general principle that inappropriate is, by definition, harmful to the Green Belt. The first category of exceptions listed are buildings for agriculture. Policy DC45 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (CS) also permits the construction of agricultural buildings subject to a requirement that they are essential for farming purposes.
7. The Council contends that the appellant failed to furnish enough information to demonstrate the need for a barn of its size given the scale of the agricultural holding. During my visit I noted that the secure part of the barn was fully used for the storage of agricultural vehicles used in connection with the surrounding farmland. In the storage area I also saw the cereal grain that had been recently harvested. It was thus clear that the building was being used in connection with an existing agricultural enterprise.
8. From what I saw it seemed clear to me that the building was no larger than might be required for a farm of that size or any larger than is required for agricultural purposes.
9. It is a matter of law following the Court of Appeal judgment in *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council and Another (Rev 1) [2016] EWCA Civ 404* that where development is 'not inappropriate', in applying paragraphs 145 or 146 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it. I have found that the proposal satisfies paragraph 145a) of the Framework. The appeal scheme would not be inappropriate development for the purposes of the Framework and is therefore compliant with Policy DC45 of the CS, which considers green belt development, and with paragraph 145 of the Framework.

Character and Appearance

10. The barn is accommodated on a level hardstanding area made of compacted rubble measuring about 100 metres in length and 20 metres in width. Such areas containing barns and other agricultural buildings are necessary for the operational working of the farm and are part of the fabric of the countryside. The barn is surrounded by fields under cultivation. Thus, the site

accommodating the barn contributes positively to the character and the appearance of the area.

11. The barn's galvanised steel walls and doors are painted British racing green and so largely meld in with the surrounding countryside. The ridge of the barn is considerably lower than the adjacent mature trees and thus the structure's visibility from the west is very restricted. Such structures are typical on farms across the country and thus is in keeping with the area.
12. For these reasons, I conclude that the barn does not harm the character and appearance of the area. As such it does not conflict with Policy DC45 of the CS or with the Framework.

Special Circumstances

13. I have already concluded that the barn is not inappropriate development. Consequently, notwithstanding that the Council stated in its Decision Notice that the appellant has failed to demonstrate special circumstances, I do not find that there is any requirement within the Framework for such. I conclude, therefore, that the constructed barn complies with Policy DC45 of the CS and with the Framework.

Conclusion and Conditions

14. For the above reasons I have found that the barn would not be inappropriate development in the Green Belt and that it would not harm the character and appearance of the area. I conclude that the appeal should be allowed.
15. To ensure that the barn is not used other than for agricultural purposes I have agreed to the condition suggested by the Council requiring that if its use permanently ceases, it be removed unless permission is granted for an alternate use within 3 years. However, since it is clear to me that construction of the barn is now complete, I have declined the Council's suggestion to attach 2 conditions requiring implementation of the planning permission in accordance with the plans within 3 years of approval.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The use of the building hereby permitted shall be only for agricultural purposes. Should the agricultural use of the building permanently cease, unless planning permission is granted within 3 years of cessation of the use of the building for an alternate use, then the building and associated development shall be removed from the land, and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the Local Planning Authority and the developer.