
Appeal Decision

Site visit made on 22 October 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2020

Appeal Ref: APP/X0415/W/19/3224724

Land rear of, The Cottage, Cherry Lane Through Woodrow, Woodrow HP7 0QQ

- 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 Lisa King against the decision of Chiltern District Council.
 - The application Ref PL/18/4507/FA, dated 28 November 2018, was refused by notice dated 07 February 2019.
 - The development proposed is retrospective permission for erection of a timber building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a timber building (retrospective) at Land rear of, The Cottage, Cherry Lane Through Woodrow, Woodrow HP7 0QQ in accordance with the terms of the application, Ref PL/18/4507/FA, dated 28 November 2018, subject to the following conditions in the attached Schedule.

Preliminary Matter

2. The development has already occurred and therefore I am considering the proposal retrospectively.

Main Issues

3. The main issues are:
 - Whether the proposal constitutes inappropriate development in the Green Belt;
 - The effect of the development on the Chilterns Area of Outstanding Natural Beauty (AONB);

Reasons

Inappropriate Development

4. The appellant's submissions regarding the use of the building appear to have evolved in detail over the course of the application and appeal process. The initial planning statement advises that, 'the building is, and will continue to be, used for storage relating to the equestrian use of the site and wider area and for maintenance of the land.' The appellant's appeal statement somewhat contradicts this earlier statement, however, in advising that the wider site is

used for grazing and for the growing of grass as a crop and that the structure will therefore be used for agricultural purposes.

5. The appellant's agricultural assessment provides a breakdown of how approximately half of the appellant's 1.2ha of land is cut for hay each summer and how the resultant baled hay and required machinery would be stored in the building. The assessment concludes that the size and design of the building would be justified by the agricultural use of the appellant's land. Whilst the appellant's land is not extensive in area, in the absence of any substantive evidence to the contrary, I find the hay yield calculations and machinery requirements are reasonably justified.
6. I accept that whilst the grazing of horses and harvesting of hay falls within the definition of agriculture¹, the keeping of horses for equestrian purposes does not.² At the time of my site visit, I viewed 2 horses on the land owned by the appellant to the rear of The Cottage. I did not see any evidence of jumps or gallops on the appellant's land and hay was stacked adjacent to the building. I note that correspondence between the Council and appellant suggests that there is no planning history to indicate that the lawful use of the land is equestrian use³. As such, based on the evidence, I find that the small scale storage building is required for agriculture given the uses outlined.
7. I therefore find that the development, as a building for agriculture, is an exception to inappropriate development as defined by paragraph 145(a) of the National Planning Policy Framework (the Framework). Policies GB2 and GB27 of the Chiltern District Local Plan (Consolidated September 2007 and November 2011) (LP) which, taken together, require new agricultural buildings in the Green Belt to be reasonably required for agricultural purposes, were adopted a significant time prior to the current Framework. Whilst paragraph 145(a) of the Framework does not require that buildings are *reasonably required* for agriculture, Policies GB2 and GB27 remain substantially consistent with paragraph 145(a) in so far as they identify new agricultural buildings as an exception to inappropriate development within the Green Belt. As such, I find the development in accordance with Policies GB2 and GB27.

Area of Outstanding Natural Beauty (AONB)

8. The appeal site is within the Chilterns AONB and the surrounding area is primarily characterised by open rolling countryside and mature wooded areas. There are numerous examples of pitch-roofed timber clad agricultural and utilitarian buildings in the surrounding area. At the time of my site visit, the building's timber cladding had a dark finish similar to other buildings in the surrounding area. There is a gated vehicular access to the west of the building, and hardstanding has been laid to the double door entrance at the front of the building. An electricity substation, green in colour and not significantly below the height of the eaves of the building, is located between the vehicular access and the building. Post and rail timber fencing and landscape planting are located to the south, east and west of the building.
9. The visual impact of the building, given its small scale and low profile, is appropriately softened by the adjacent mature landscaping on Cherry Lane.

¹ S336 Town and Country Planning Act 1990

² *Sykes v Secretary of State for the Environment* (1981) 42 P&CR19 (Sykes)

³ Council's Appeal Statement Appendix 8

The area of hardstanding to the building is limited given its proximity to the existing access. On my site visit, I did not find the building to be prominent in either short range public views from Cherry Lane or in longer range views from public rights of way in the surrounding area. Given the surrounding rolling hills, adjacent landscape planting and other utilitarian timber buildings in the area, the design and small scale of the building does not appear discordant with the surrounding landscape character.

10. As such, I find the development accords with LP Policy LSQ1 and Policy CSW22 of the Core Strategy for Chiltern District (2011)(CS) which taken together require, amongst other things, development to conserve and enhance the special landscape character and distinctiveness of the Chilterns AONB. The development also accords with paragraph 172 of the Framework which requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs.

Other Matters

11. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Childs Farm and its associated buildings are Grade II listed and are located south west of the application site. From my observations, due to the distance between Childs Farm and the development, and given the small scale and utilitarian appearance of the building, I do not consider that the development has an adverse effect on the setting of the Childs Farm grouping of listed buildings.
12. I have been referred to several other appeal decisions. From the information before me in the Council's submissions, the appeals all relate to substantially different development proposals in terms of scale and design. As such, their circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
13. I have considered the concern that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

14. Having regard to paragraph 55 of the Framework and the Planning Practice Guidance, I have considered the conditions suggested by the Council. Where necessary, I have amended and added to those conditions. I have specified the approved plans, and the use of the building, as these conditions provide certainty. I have also imposed a condition requiring approval and implementation of a dark finishing stain to be applied to the timber surface materials in order to conserve and enhance the landscape and scenic beauty of the Chiltern AONB.

Conclusion

15. For the above reasons, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

Schedule of Conditions attached to Appeal Decision
Ref: APP/X0415/W/19/3224724
Land rear of, The Cottage, Cherry Lane Through Woodrow, Woodrow
HP7 0QQ

1. The development hereby permitted shall be carried out in accordance with the following approved plans: SJ1 – Site Location Plan; SJ2 Rev A – Site Plan; Dwg no.297 -Proposed Building Plans.
2. Within 6 months of the date of this permission, details of a dark coloured stain to be applied to the external timber elevations of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The approved dark coloured stain shall thereafter be applied to the external elevations of the development within 6 months of the date of the details being approved. Upon implementation of the approved dark coloured stain specified in this condition, that external colour shall thereafter be maintained.
3. The building hereby approved shall be used only for the purposes of agriculture or forestry.