The Planning Inspectorate

Appeal Decision

Site visit made on 20 November 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2020

Appeal Ref: APP/C3620/W/19/3235513
Oak Tree Farm, Partridge Lane, Newdigate RH5 5BW

- 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 Mr Ken Kearl against the decision of Mole Valley District Council.
- The application Ref MO/2019/0883/PLA, dated 14 May 2019, was refused by notice dated 10 July 2019.
- The development proposed is erection of an agricultural barn.

Decision

1. The appeal is dismissed.

Main Issues

2. The site falls within the Metropolitan Green Belt. Accordingly, the main issues are:

    - Whether or not the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
    - Whether it has been demonstrated that the proposal is justified for agricultural purposes.

Reasons

3. The appeal site lies within a field parcel adjacent to the property of Oak Tree Farm, that is currently used for storage of a variety of materials including hay and agricultural machinery. The main group of buildings is enclosed by a substantial fence. The site is shielded from the road by a band of mature trees, although the surrounding land is generally open contributing to a rural and verdant character, with intermittent, largely agricultural development.

Whether Inappropriate Development in the Green Belt

4. The Framework states in paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. Exception a) allows for the provision of buildings for agriculture and forestry. I acknowledge that the Council has queried the extent of agricultural use occurring on the wider site, however, the building proposed is for an agricultural use and, in relation to the provisions of the Framework, it should be assessed on this basis.

5. From the information before me, the proposal in terms of design appears as an agricultural building and the appellant has sought to justify it as such. For these reasons, I consider that the proposal would fall under exception a) of paragraph 145 and would not therefore be inappropriate development within the Green Belt.

Agricultural justification

6. Policy RUD14 of the Mole Valley Local Plan 2000 (LP) states that new agricultural buildings will be permitted, subject to a number of criteria. Criterion 2 requires that such buildings are reasonably necessary for agriculture within the holding and criterion 6 requires that they do not replace buildings converted to non-agricultural uses which could reasonably have continued in agricultural use.

7. To justify the proposed barn the appellant has provided some evidence in support of this appeal including in relation to stock and holding numbers, hay tonnage and storage requirements relevant to the farm. This is however, somewhat lacking in detail and in my view cannot be seen as substantiating the need for further agricultural buildings on the site. On balance, whilst I did note the presence of livestock and an amount of hay on the site, from the information before me, I am not persuaded that it has been demonstrated that the barn would be reasonably necessary for agricultural purposes within the holding. Nor am I satisfied that it would not replace existing buildings that could be utilised for the same use.

8. As such, I conclude that it has not been adequately demonstrated that the proposal would comply with criteria 2 and 6 of Policy RUD14 of the LP.

Other Matters

9. My attention has been drawn to a potential fall-back position by virtue of a Prior Approval decision under the provisions of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). From the details before me, the approval would allow the construction of a barn in a commensurate position of a similar footprint, albeit 2 metres lower than the appeal proposal owing to restrictions under the GPDO due to the site's location to an aerodrome.

10. However, the previous application was made under the prior approval regime, which does not, by definition, take account of the policies within the local development plan. That is not the case in the present appeal, and therefore the existence of the prior approval scheme should not be given significant weight in the current appeal.

11. I acknowledge both parties' comments with regard to planning enforcement matters relating to the site, although limited detail has been provided in this regard. Nevertheless, I have only had regard to the individual planning merits of the proposed barn and do not find the matters raised are determinative to my consideration of this appeal.

12. None of the other matters outweigh or alter my conclusion in relation to the second main issue above.

Conclusion

13. Although I have concluded that the appeal proposal would not be inappropriate development within the Metropolitan Green Belt, on the evidence before me I have found that the proposal would be contrary to development plan policies as the appellant has failed to adequately demonstrate the need for the building or that such need could not be met by existing buildings at the site.

14. As such, for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR