



Appeal Decision

Site visit made on 28 January 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2020

Appeal Ref: APP/A4710/W/19/3240765

Victoria Cottage, Beestonley Lane, Stainland, Elland HX4 9PS

- 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) Order 2015 (as amended) (GPDO).
 - The appeal is made by Ms Victoria Greetham against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/40013/AGR, dated 17 September 2019, was refused by notice dated 14 October 2019.
 - The development proposed is a building for the storage of hay.
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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) (England) Order 2015 (as amended) (the 2015 GPDO) for the siting, design and external appearance of a building for the storage of hay at land at Victoria Cottage, Beestonley Lane, Stainland, Elland HX4 9PS in accordance with the terms of the application Ref 19/40013/AGR, dated 17 September 2019, and the plans submitted with it.

Procedural Matters

2. The name of the appellant on the appeal form and application form differ. However, the appellant's agent has confirmed that this is incorrect and the name in the banner heading above is accurate.
3. I recognise that the parties do not agree on whether the proposal would constitute permitted development (PD). However, the prior approval procedure set out under Part 6, Class A makes no provision for any determination to be made as to whether or not the proposed development comes within the description of the relevant class, or would comply with the conditions, limitations or restrictions applicable to development permitted.
4. Instead, the requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1). In other words, development which is not constructed in accordance with the terms or conditions of a permission would be at risk of enforcement action.
5. In the interests of natural justice, the main parties have been informed of this and have had the opportunity to provide comments. As such, this decision does not purport to address the question of whether the development is PD.

Main Issues

6. Notwithstanding that the status of the development as PD is beyond my ambit, Part 6, Class A of the 2015 GPDO in respect of works for the erection of a building involves a determination of whether or not prior approval will be required as to the siting, design and external appearance of the proposed building. Consequently, this is the main issue in my determination of the appeal.

Reasons

7. The appeal site is a field within open countryside in the Green Belt. The prevailing character is of an undulating rural and open environment containing pasture fields, generally bordered by stone walling and interspersed with blocks of trees. Built form within the area is characterised by, amongst other things, a mixture of individual houses, farms and mill buildings. The appeal site contributes positively to the area as an open field which slopes steeply down from Beestonley Lane (the Lane).
8. The Council raised no specific concerns with regards to the siting, design or external appearance of the proposal and I have no reason to disagree. The proposed building would be positioned on the lower ground level from the Lane and accessed from an existing entrance point from it. Due to the change in topography and stone walling bordering the field the building would not be prominent from the Lane.
9. It would be more clearly visible from footpaths and highways to the north and north west where more open, expansive views can be achieved looking up toward the appeal site. The application form and submitted plans indicate that the building would be approximately 15 metres (m) in length, 8.5 m in breadth, 3.7 m high to the eaves and 5 m to the ridge of the roof. The materials are described as Olive Green Corrugated Sheeting. Agricultural buildings such as this are not uncommon features within this area. Moreover, given its relatively limited height, design, colour and position within the field with the rising land, it would not appear obtrusive or cause visual harm where seen in this rural landscape.
10. I therefore find the siting, design and external appearance of the proposed building to be appropriate in its context.

Conditions

11. In respect of this approval, the appellant should note that Schedule 2, Part 6, Class A of the 2015 GPDO requires, at paragraph A.2.(2)(vi)(aa), that the development must be carried out within a period of 5 years from the date of this decision. The permission is also subject to other conditions, as detailed in the relevant part of the 2015 GPDO.

Conclusion

12. For the reasons given above, the appeal is allowed, and prior approval granted.

Robert Walker

INSPECTOR