



Appeal Decision

Site visit made on 21 July 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Appeal Ref: APP/M9496/W/20/3251761

Broadhay Farm, Highlow, Hathersage S32 1AX

- 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 Mrs V Stokes against the decision of Peak District National Park Authority.
 - The application Ref: NP/GDO/1219/1271, dated 3 December 2019, was refused by notice dated 16 March 2020.
 - The development proposed is a new agricultural storage building.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting, design and external appearance of a new agricultural storage building at land at Broadhay Farm, Highlow, Hathersage S32 1AX in accordance with the terms of the application Ref: NP/GDO/1219/1271, dated 3 December 2019, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 6, Class A.

Procedural Matters

2. Class A of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits under paragraph A. the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.
3. Paragraph A.2. sets out the conditions which development that is permitted by Class A is subject to. These include under (2) (i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, amongst other matters. In the event that the local planning authority deem that prior approval is required then under (2) (iii) the development must not begin before the occurrence of (bb) the giving of such approval.

Background and Main Issues

4. The appellant applied to the Authority as to whether prior approval was required for the siting, design and external appearance of the proposal. The Authority considered that prior approval was required and informed the appellant accordingly, as well as requesting more information.
5. The appellant subsequently submitted further information in support of the application. It was then refused by the Authority on the grounds that the proposal would result in significant harm to the landscape character of the area and the effect on a non-designated heritage asset, the historic building group at Broadhay Farm.
6. The Authority has also queried whether Broadhay Farm can be treated as a working farm and, thus, has questioned whether the proposal would be reasonably necessary for the purposes of agriculture within that unit. It has also considered whether the development is necessary in the context of the effect on the non-designated heritage asset.
7. As a consequence, the main issues are (i) whether the proposal would be reasonably necessary for the purposes of agriculture within that unit under paragraph A. of Schedule 2, Part 6, Class A of the GPDO; (ii) the effect on the landscape character of the area; and, (iii) the effect on a non-designated heritage asset, the historic building group at Broadhay Farm.

Reasons

Reasonably Necessary

8. The holding comprises 12.73 hectares of land. It includes fields and a wildflower meadow, as well as hedges, footpaths and stone walls. The majority of the land is let out to a local farmer to enable sheep to be grazed in the fields. This farmer resides approximately 750 metres (m) north of the site.
9. The proposal would be located in one of the fields. It would be utilised to allow for the storage of feed and other equipment in relation to the sheep grazing on the land. It would remove the need to transport these onto the site and remove them as necessary. At present, this entails using a minor road as far as the Broadhay Farm access, before negotiating a tight bend and then travelling along the lane into the site. The proposal would also be used for storage space for land management equipment, including a tractor and trailer, and various other forms of related apparatus.
10. With regard to whether the proposal would be reasonably necessary, the whole holding at Broadhay Farm is the reference point. The nature of the activities on the holding are agricultural in nature and it is of a fairly extensive size. The building would be used for typical functions associated with agriculture. As much of the land is used for sheep grazing, its use for the associated storage of feed and other equipment is reasonably necessary. The same applies concerning the land management equipment.
11. The Authority contends that the farmstead that is operated by the farmer who grazes the sheep could be used instead. This would not, however, be on the land where the sheep grazing takes place and whilst it is relatively close, the journey is not straight forward due to the transport route. It is not unreasonable for the building to be on the land that its use relates to.

12. Overall, what is of more relevance to the notion of a working farm under the GPDO is whether or not it has been established that the building would be reasonably necessary for the purposes of agriculture within that unit. This includes the land that is used for sheep grazing, even if the farmer is based elsewhere, as well as the land management activities. Based on the evidence before me, I am satisfied this would be the case.
13. Taking these considerations into account, I conclude that the proposal would be reasonably necessary for the purposes of agriculture within that unit under paragraph A. of Schedule 2, Part 6, Class A of the GPDO.

Landscape Character

14. The proposal would be located around 30 m from the edge of the established grouping of farm buildings to the east. In between, there is a turning area and the gated access to the field where the proposal would be located. A stone wall lies adjacent and on the opposite side is a track which also leads towards the farm buildings.
15. The area in the vicinity of the site is a pleasing and expansive agricultural landscape of fields, woodland and isolated farmsteads. The landform is incised and the site lies on a rising hillside. This crests to the north and west of the site, where there is a large area of woodland.
16. In the context of the scale of this landscape, there would not be a great degree of separation between the proposal and the farm buildings, with the short distance involved. Similarly, even with localised views close to the site, and from a Public Right Of Way that runs to the east of the farm buildings, it would not appear overtly distinct. From more distant views to the south and east, the building would be readily seen with the farm buildings and with only a modest gap in between. It would not, therefore, be an isolated building.
17. That it would be seen against rising land would not be unusual in such an undulating landscape, and the existing farm buildings are experienced in a similar way. With its location close to the edge of the field and behind the wall, and with the backdrop of the field and the woodland area, it would not be prominent and intrusive.
18. The proposal would be typical of an agricultural building of its form and be constructed of timber cladding walls over a natural stone base. It would differ from the more traditional stone agricultural farm buildings, but not in an obtrusive manner. Timber cladding is an inconspicuous material and the use of natural stone would reflect buildings in this landscape. Landscaping would also not be necessary to make the proposal acceptable in landscape character terms.
19. In taking these considerations together, significant harm to the landscape character of the area would not arise. It would not fail to conserve the valued characteristics of the National Park. As such, I conclude that the proposal would not have an unacceptable effect on landscape character.
20. The Authority has referred to the policies of its development plan in its decision. There is no statutory obligation to decide a prior approval appeal on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004. Nevertheless, I have taken into account Policies GSP1, GSP2, GSP3 and L1 of the Authority's Core Strategy Development Plan Document (2011) and Policies

DMC3 and DME1 of the Development Management Policies (2019) (DMP). Given that I have concluded that the proposal would not be unacceptable as regards the landscape character, it would not conflict with these policies.

21. The Authority has also referred to the National Planning Policy Framework (Framework). There is no provision under Schedule 2, Part 6, Class A for regard to be made to the Framework. The same applies by way of the supplementary planning guidance that the main parties have referred to.

Non-Designated Heritage Asset

22. The grouping of farm buildings consists of the main farmhouse and the associated more modest agricultural buildings. They form a distinct cluster and are closely connected, in particular by way of their proximity, the use of stone and as they are positioned around a small courtyard area to the rear of the buildings. Some alterations have taken place. Nonetheless, they largely maintain their significance as a Victorian farmstead and with the connection to the agricultural land beyond.
23. With the relationship of the surrounding land to these buildings, the site falls within their setting. By way of the effect on the significance, the proposal would not interrupt the close arrangement of these buildings and their unifying qualities because it would not be located in a direct juxtaposition to them, even if the separation distance would be fairly limited. The use of stone in the proposal would reflect their special interest as it is the predominant external material. Whilst timber cladding is not a feature of these buildings, it would not detract from their significance.
24. In relation to the effect on the contribution of the land around the farm buildings to their significance, it would not be unexpected to find a further building in connection with the agricultural use of the land. The evidence submitted shows there was formerly such a building, and a small concrete base is still evident in the part of the field where the proposal would be found. The proposal would be of a more modern and larger construction but its connection to the agricultural use of the land, and therefore the setting of the grouping of the farm buildings, would still be apparent. As a result, that it would be seen in the wider context with these buildings would not diminish from their significance.
25. Whether or not there is sufficient information to make an assessment of the effect on the significance of the asset is also a matter of dispute, based on the related reason for refusal. When the evidence submitted is considered in the round, it is sufficient and proportionate to enable me to properly assess the effect on the significance of the asset and it leads me to a favourable conclusion.
26. I conclude that the effect on a non-designated heritage asset, the historic building group at Broadhay Farm, would not be unacceptable. As a result, it would not be in conflict with Policy DMC5 of the DMP and that it would be necessary has already been established earlier in my decision.

Other Matters

27. I am bound to have regard to the purposes of National Parks, under the National Parks and Access to Countryside Act 1949 (as amended). The purpose which concerns conserving and enhancing the natural beauty, wildlife

and cultural heritage is of particular relevance. As I find the proposal to be not unacceptable with regard to effect on the landscape character and the non-designated heritage asset, it would accord with this conservation purpose of the National Park.

Conditions

28. An approval granted for the new agricultural storage building under Article 3(1) and Schedule 2, Part 6, Class A is subject to the standardised conditions that are pursuant to the relevant parts of the GPDO which include, amongst others, the timescale for the development to be carried out and that it must be carried out in accordance with the details approved, which include the submitted plans. Hence, the conditions are not repeated in my decision. No additional conditions are required.

Conclusion

29. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Darren Hendley

INSPECTOR