
Appeal Decision

Site visit made on 21 July 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2020

Appeal Ref: APP/E3715/W/20/3248126

**Agricultural Building, Parkfield, off Main Street, Brandon, Coventry
CV8 3FW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs P Potter against the decision of The Rugby Borough Council.
 - The application Ref R19/1504, dated 5 December 2019, was refused by notice dated 3 February 2020.
 - The application sought planning permission for the retention of a general purpose agricultural building without complying with a condition attached to planning permission R06/1171/PLN, dated 7 February 2007.
 - The condition in dispute is No 2 which states that: The agricultural building hereby permitted shall solely be used for agricultural purposes, including the storage of hay and the storage of farm equipment.
 - The reason given for the condition is: To prevent a change of use which would cause detriment to the amenities of the area.
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Decision

1. The appeal is allowed and planning permission is granted for a general purpose agricultural building at Parkfield, off Main Street, Brandon, Coventry CV8 3FW in accordance with the application Ref R06/1171/PLN dated 7 July 2006 without compliance with condition 2 previously imposed on planning permission Ref 06/1171/PLN dated 7 July 2006.

Main Issue

2. The main issue is whether or not the condition is necessary.

Reasons

3. The site is just outside the village of Brandon. It is within the Green Belt and lies adjacent to a large area of pastoral parkland typified by its openness and scattering of mature trees. A hardcore linking access track runs around the periphery of the parkland.
4. Paragraph 55 of the National Planning Policy Framework (the Framework) describes the tests for conditions, and one such test relates to necessity. The Planning Practice Guidance emphasises that the tests must be applied rigorously.

5. The description of development on the 2006 planning application and decision notice clearly state that this is an agricultural building. It is already in a use which is clearly defined by the planning system and therefore subject to the controls and regulations of that system. Condition 2 of planning permission R06/117/PLN was therefore unnecessary, and consequently does not comply with the tests set out in Paragraph 55 of the Framework.
6. The fact that The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for conversion of some agricultural buildings under Part Q is not justification for the condition because the implications have been considered nationally in that process, particularly as matters of design or external appearance are considerations for any prior approval application.
7. Paragraph 145 of the Framework states that the construction of a new building is inappropriate in the Green Belt, an explicit exception is for agriculture. Similarly, Policy GP2 of the Rugby Borough Council Local Plan seeks to control buildings in the Green Belt. The Brandon and Bretford Neighbourhood Development Plan also describes the village's setting and BNE6 strives to protect its character. However, I have found above the use is already defined and accounted for in the nationally set process, which would have considered the implications for Green Belt.

Conclusion

8. The only other condition on the 2006 permission was the time for implementation and this does not need to be repeated. For the above reasons I conclude that the appeal should be allowed.

John Longmuir

INSPECTOR