



Appeal Decision

Site visit made on 14 July 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/J1860/W/20/3248191

The Oaks, Bell Lane, Lower Broadheath WR2 6RR

- 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 Anthony Candy against the decision of Malvern Hills District Council.
 - The application Ref 20/00020/FUL, dated 8 January 2020, was refused by notice dated 19 February 2020.
 - The development proposed is replacement of existing unauthorised buildings with new agricultural storage building and associated hardstanding (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for new agricultural storage building and associated hardstanding at The Oaks, Bell Lane, Lower Broadheath WR2 6RR, in accordance with the terms of application, Ref 20/00020/FUL, dated 8 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL021-Agricultural Building Location Plan, Rev A; PL022-Agricultural Building Existing Block Plan, Rev A; PL023-Agricultural Building Proposed Block Plan, Rev A and PL120-Agricultural Building Plans and Elevations.

Preliminary matter

2. The description of the development refers to the replacement of existing unauthorised buildings. Whilst there is development at the appeal site and nearby, which is the subject of enforcement action, no details of the buildings to be replaced are provided on the appellant's plans. As such, I have determined the appeal on the basis of the development shown on the submitted plans. Also, the reference to 'part retrospective' in the description is not development. Accordingly, for the purposes of my Decision, I have amended the description of the development to accurately reflect the proposal.

Main Issue

3. The main issue is whether the proposal would be in a suitable location in respect of local policies, having particular regard to its effects on the character and appearance of the area.

Reasons

4. The proposal is for an agricultural storage building along with an area of hardstanding within the open countryside.
5. Policy SWDP 2 of the South Worcestershire Development Plan (DP) sets out the development strategy for the area. One of its key principles is to safeguard and (wherever possible) enhance the open countryside. This Policy further states that in the open countryside, development will be strictly controlled and will be limited to certain types, including, buildings for agriculture and forestry.
6. The appeal site also lies within an area designated in the DP as a Significant Gap between Lower Broadheath and Worcester City. The reasoned justification explains that the purpose of Significant Gaps is to provide additional protection to open land that may be subject to development pressures. The designation helps to maintain a clear separation between smaller settlements and urban areas in order to retain their individual identity. Despite this, Policy SWDP 2 of the DP does not expressly exclude development for agriculture in Significant Gaps.
7. Policies SWDP 21 and SWDP 25 of the DP seek to encourage good design and to ensure that proposals are appropriate in their relationship to their surroundings and landscape setting.
8. Against the above policy background, in principle, buildings for agriculture are not precluded in the open countryside subject to safeguarding its character and appearance and not undermining the purposes of the Significant Gap.
9. Turning to the proposal, I have not been referred to any specific national or local policy which requires the appellant to provide justification, a business plan or other financial information in support of his proposal. Nevertheless, the appeal site has been identified as agricultural land of about 1.31 hectares. Further, the appellant advises that it has been used to produce and sell hay as part of an agricultural business, adding that he intends to supplement this by bringing sheep to graze the land which would then be sold on for meat. Such activities would fall within the definition of 'Agriculture'¹. In addition, there would also be the maintenance requirements associated with the land.
10. The proposed building would be finished in horizontal timber cladding with timber doors and a corrugated sheet roof. Its floor area of about 90sqm would be divided into 4 bays, the two central open fronted bays would be for covered storage with enclosed secured storage in the side bays. Part of the floorspace would be utilised as a maintenance area. A list has also been submitted of the equipment and machinery which would be stored in the building, along with hay and animal feed. The area of hardstanding is intended to provide a suitable surface outside of the building for the vehicles and the equipment when in use. This is not uncommon for an agricultural building.
11. Therefore, along with its functional design, the size of the proposed building is not unreasonable for an agricultural storage building in the context of the requirements and needs of a small holding as set out by the appellant.

¹ As defined under Section 336 of the Town and Country Planning Act 1990

12. Additionally, the proposal would support the aims of Paragraph 83 of the National Planning Policy Framework, for the development of agricultural businesses.
13. The appeal site comprises part of a field including an access leading to this off Bell Lane which is largely bound by fields. Most notably, the nearby landscape is dominated by established hedgerows and a group of mature protected trees near the eastern boundary of the site. These features positively contribute to the sites setting which is mainly verdant and rural in character.
14. However, the appeal site is also adjacent to a barn converted for residential use. In addition, the Council has recently granted planning permission² for the erection of a double garage and change of use of agricultural land to garden. The double garage is to be located between the converted barn and the proposed agricultural storage building.
15. The new agricultural storage building would occupy a smaller footprint and not exceed the height of the converted barn. It would also reflect the simple pitched roof form and materials used in the construction of the converted barn and as proposed for the approved double garage. Therefore, and despite a degree of separation, the scale, form and appearance of the proposed agricultural building would complement these existing and approved built forms. As such, the development would not appear unduly dominant or isolated.
16. From a public right of way that runs along the northern boundary of the site and the wider area, views of the development subject of this appeal would be limited, due to intervening boundary treatments, landscaping and the converted barn.
17. Most notably, agricultural buildings are not uncommon in the Principal Timbered Farmlands, the landscape character of which the appeal site forms a part. As such, the proposed agricultural storage building and associated area of hardstanding would not be inappropriate to the site's rural setting. Moreover, the extent of development proposed either individually or cumulatively would not be substantial enough to detract from the prevailing verdant appearance of the area. In reaching these conclusions, I am also mindful that the Council's own Landscape Officer has no strong objection to the development.
18. Furthermore, as the proposal is small-scale relative to the existing adjacent development, and would be visually contained to an extent, it would not represent a major incursion. Nor would it reduce the separation between urban areas or significantly affect visual openness or the character or setting of any settlement. Therefore, it would not undermine the overall purpose of the Significant Gap.
19. For the above reasons, the proposal would be in a suitable location and would not harm the character and appearance of the area. Therefore, I find no conflict with DP Policies SWDP 2, SWDP 21 and SWDP 25.

² Planning permission reference: 19/01879/CU

Other Matters

20. The Council has drawn my attention to previous dismissed appeals³ at the appeal site. However, both those schemes were for the erection of a garage and the enlargement of the residential curtilage for the converted barn. Consequently, the nature and details of those schemes are different to the proposal before me. I have also noted the enforcement history associated with the appeal site and the Council's suggested alternatives to the proposed agricultural storage building. Nevertheless, each case must be assessed on its individual planning merits and for the reasons given above, I have found the proposal to be acceptable and commensurate with its intended use.
21. The Council contends that the conversion of the barn for residential use under the provisions of prior approval effectively removed the agricultural use. However, on the available information I cannot be certain of this.

Conditions

22. In addition to the standard condition which limits the lifespan of the planning permission, I have also specified the approved plans as this provides certainty.

Conclusion

23. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

³ Appeal references: APP/J1860/W/17/3189915 and APP/J1860/W/19/3225363