

Appeal Decision

Hearing Held on 18 August 2020

Site visit made on 2 September 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/F2360/W/19/3242862

Southview, 72 Marsh Lane, Longton PR4 5ZL

- 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 Andrew McKerney against the decision of South Ribble Borough Council.
 - The application Ref 07/2019/1763/FUL, dated 22 February 2019, was refused by notice dated 2 July 2019.
 - The development proposed is for the erection of agricultural building for housing livestock, storage of livestock feed and small agricultural tools.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of agricultural building for housing livestock, storage of livestock feed and small agricultural tools at Southview, 72 Marsh Lane, Longton PR4 5ZL in accordance with the terms of the application, Ref: 07/2019/1763/FUL, dated 22 February 2019, subject to the conditions detailed in the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew McKerney against South Ribble Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

4. The appeal site is located within the Green Belt. Policy G1 of the South Ribble Local Plan 2015 (SRLP) relates to development within the Green Belt. This policy is consistent with paragraph 145 of the Framework which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes buildings for agriculture and forestry.
5. The description of the proposal is clear that the development would be for an agricultural building and the Council confirmed at the Hearing that the appeal site and associated land was agricultural land. The proposal would provide secure and dry storage and support primarily the keeping of sheep on the land and grass management. Supporting justification with Policy G1 of the SRLP

states that agricultural uses can be defined as cultivating the ground including, amongst others, the harvesting of crops, the rearing and management of livestock, tillage, husbandry and farming. The proposal would fall within this defined use.

6. The proposed development would be a building for agriculture and the proposal would fall within the exceptions list of Policy G1 of the SRLP and paragraph 145 of the Framework.
7. Financial justification has not been submitted and there is no agricultural holding number associated with the site or any clear evidence of registration with DEFRA. It has also been noted that there is no history of agricultural use on the site. Given these factors and due to the size of the site, it is unlikely that operations would be of commercial nature. The activities described in the proposal would be akin to hobby farming.
8. Concerns raised regarding the need for the proposal, included the requirement for livestock shelter. It was described that sheep would mainly be kept outdoors and would only require a means of shelter during times of lambing, extreme weather and sickness. At the time of my site visit there was no livestock on the land however, it is the intention for sheep to be brought onto the site. The appellant described machinery that would be stored in the proposed building, including a topper, harrow, quad bike, trailer, roller, coils of wire and posts. Some of these were on site under a temporary tarpaulin structure.
9. Whilst livestock may only use the proposed building for limited periods during the year, there would still be a need for a means of shelter. The proposal would be a modest building sufficient to cater for shelter of livestock as well as provide storage facilities for the appellant's agricultural machinery, livestock feed and hay.
10. Policy G1 of the SRLP and paragraph 145 of the Framework do not require the demonstration of need. Notwithstanding this, the matter of need was included within the Council's reason for refusal however, based on the evidence before me I am satisfied that a need exists.
11. Consequently, I find that the proposal would not be inappropriate development within the Green Belt. The proposal would comply with Policy G1 of the SRLP and paragraph 145 of the Framework which seeks to protect the Green Belt from inappropriate development. As the proposal complies with these policies an assessment on the effect on openness and whether very special circumstances apply is not required.

Other matters

12. It has been indicated that the proposal would not be economically sustainable and would not support sustainable growth of rural businesses. The proposal however, would not be a commercial business venture and would not be in conflict with the Framework as a whole including paragraphs 83 and 84.
13. The proposed building has been designed with multiple openings including stable style doors to allow for ventilation. Given the limited periods that livestock would be kept in the building and the ventilation that is proposed, the welfare of livestock would not be unduly harmed.

14. The building would be sensitive in design, scale and materials, it would not appear as an intrusive feature and would not have a harmful effect on the character and appearance of the surrounding area.
15. The Council's Environmental and Ecology Teams have not raised any concerns including with regards to odour, noise, lighting and effects on ecological matter and protected species. There is no substantive evidence before me to suggest that the proposal would lead to harmful effect in terms of drainage or flooding. Due to the position of the proposal, there would be no detrimental effects on the living conditions of neighbouring occupiers.
16. It was brought to my attention that the appellant had submitted a new planning application for a similar development. Full details of this development have not been presented to me nor has a definitive determination date for a decision been given. In any case, this appeal has been determined on its own merits.
17. I note that it was queried whether a temporary structure or the appellants domestic garage can be utilised for the proposed storage requirements. I have determined the appeal on the proposal before me.
18. It was indicated that the appeal site had been used for domestic purposes in the past. From my observations during the site visit, the appeal site is clearly separate from the residential curtilage of the appellants property.

Conditions

19. The conditions imposed are those that were agreed at the Hearing. In the interests of precision and clarity I have undertaken some minor editing and rationalisation where necessary.
20. Conditions relating to timeliness, use of the building and the identification of plans are necessary in the interests of proper planning and to provide certainty. To ensure that the development does not compromise the character and appearance of the area a condition is necessary in relation to materials for the manoeuvring area.
21. To safeguard the living conditions of nearby neighbouring occupiers' conditions are necessary in relation to construction hours, waste disposal, lighting and rodent control. The Council requested that the word "covered" was included in the wording for the condition relating to waste disposal. This is not considered necessary as the wording of the condition includes "containment" which can include the covering of waste. The Council indicated that the condition for rodent control should have wording that would require the appellant to submit a management plan every three years. Given the size and location of the proposal, the submission of a management plan every three years would be unreasonable.

Conclusion

22. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rob Harrison	Planning Consultant
Andrew McKerney	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Debbie Roberts	South Ribble Borough Council
Ian Snowden	ADAS
James Atkinson	ADAS
Kenny Dhillon	ADAS

INTERESTED PERSONS:

Margaret Clark	Local resident
Susan Fox	Local resident
Stuart Knoble	Local resident
Bianca Daily	Local resident

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan; Elevation and Floor Plans; and Vehicle Swept Path Analysis.
- 3) Should the building cease to be used for agricultural purposes the building and manoeuvring area hereby permitted shall be removed and the land restored to its former condition within 3 months.
- 4) Before the development hereby approved is commenced, details of the materials to be used in the manoeuvring area shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 5) Before the development hereby approved is commenced a scheme for the collection, containment and removal of animal waste shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details in perpetuity.
- 6) Before the development hereby approved is commenced, a scheme for the management plan for the control of rodents shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 7) Before the development hereby approved is brought into use, details of all lighting shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 8) The hours of operation for construction shall be restricted to 08:00 – 18:00 Monday to Friday and 09:00 – 13:00 on a Saturday. No work is permitted to take place on Sundays or Public Holidays.