



Appeal Decision

Site visit made on 4 August 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/J1860/W/20/3251133

Burghill, Gadfield Elm, Staunton, Gloucester, GL19 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr W Mason against the decision of Malvern Hills District Council.
 - The application Ref 19/01914/AGR, dated 23 December 2019, was refused by notice dated 13 February 2020.
 - The development proposed is a modern clear span steel portal framed agricultural building.
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Decision

1. The appeal is allowed and prior 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) Order 2015 (as amended) for a modern clear span steel portal framed agricultural building at land at Burghill, Gadfield Elm, Staunton, Gloucester, GL19 3PB in accordance with the terms of the application Ref 19/01914/AGR, dated 23 December 2019, and the details submitted with it: 'Site Location Plan' (undated) and 'Elevations – Proposed Agricultural Building' (1 November 2019), pursuant to Article 3(1) and Schedule 2, Part 6, Class A.

Preliminary matters

2. It is not in dispute that erection of the proposed building is reasonably necessary for the purposes of agriculture within the unit, in line with paragraph A of Schedule 2, Part 6, Class A of the Town Country Planning (General Permitted Development) Order 2015 (as amended) (the 'GDPO').

Main issue

3. The main issue is whether or not prior approval should be granted, with particular regard to the siting, design and external appearance of the building.

Reasons

Siting

4. The site is behind a group of barns, which are set back from a modern farmhouse and garden. The complex is hidden behind a modern wall, high gates and hedging, and cannot easily be seen when approached from the road

to the south. The site is at the base of a steep slope, and at a significantly lower elevation than the B4208 to the east. This topographical difference, in addition to hedging along the road, meant that it was not possible to see the existing barns from the road when travelling in a car. The north and west sides of the site were completely screened by high hedging and trees at the time of the site visit, and it is notable that no other properties could be seen from the site itself.

5. The site visit was in the summer and it is inevitable that leaf cover will be less in the winter. However, I consider that the front wall and topography are the main factors in obscuring views of the site from the public domain, and that vegetation in hedges was sufficiently dense that some additional protection would still be offered. I therefore conclude that it is difficult to view the site from the public domain.
6. The new building would be on elevated ground compared to the others in the group. I have not been provided with surveyed levels, but my observation at the site visit was that the difference in elevation was no more than a step up and easily accommodated with a short ramp. In addition, the proposal is 0.7 m higher than the highest existing building. Should fleeting views be obtained from the public domain, these would be distant, and the new building would appear as part of a group of similar buildings. For these reasons, I do not consider that the new building would appear significantly more prominent in the landscape than the existing development.
7. The new building would be approximately 30 m distant from the existing buildings, which is a larger distance than those typically seen between the buildings. However, the site is constrained by the steep slope and any new development would necessarily need to be on the other side of the yard area, which is large to allow for turning of vehicles. The structure would still appear as part of the group of buildings around a central yard. For these reasons, I consider siting at this location to be reasonable.
8. I do not find the proposal to be at odds with the existing landscape character and setting of the locality. The site is located in the 'settled farmlands with pastoral land use' landscape type, which has a dispersed settlement pattern of farmsteads and wayside dwellings. Hedgerows should be conserved and opportunities should be sought to conserve all remaining areas of permanent pasture. Nothing before me in the proposal is in conflict with this description. In addition, based on observations at the site visit, the proposed extent of agricultural development is not atypical of local character.

Design and external appearance

9. The building would be substantially larger than any other single building at the site. However, the Council have agreed that there is an agricultural need for a building of this size and that it is appropriate in design for agricultural use. I therefore have nothing before me that suggests the structure would be overly large for the stated purpose.
10. The Council have noted that the size of the building is very similar to a previous, refused application¹ for domestic storage purposes. However, they

¹ 19/00536/FUL

have now agreed that there is an agricultural need for a building of this size, and I must base my decision on the merits of the case before me.

11. The proposed green aluminium finish with light grey fibre cement roof would be identical to the adjacent modern buildings. I consider that external appearance of the barn is appropriate in colour and design for the rural setting and in the context of nearby buildings.
12. Although not a matter for prior approval, I have noted the Council's concern that the development would represent encroachment into the countryside. The development would occupy a largely undeveloped area of the site, but the building would read as part of the existing group of buildings around a yard, and on this basis, I do not consider that it represents significant encroachment. Neither do I consider that it represents erosion of the open, rural landscape, given that the site is largely obscured when viewed from the public domain and would appear as part of a cluster of existing buildings.
13. I accept that an additional, large barn would intensify development at the site. However, in purpose and in design it would clearly be agricultural and would relate well to the existing barns. I do not consider that the additional development would cause a change in character of the area to the extent that it would be 'industrial' in scale.

Other matters

14. The Council requests that 4 conditions be imposed. It is not appropriate to require that development is commenced within a specified period because the permission granted by the GDPO is continuous. The GDPO already requires that development must be carried out in accordance with the details approved, so I have not imposed conditions referring to plans and materials. I have also not imposed a condition to ensure the building is used for agricultural purposes in the future because this is secured by virtue of it being developed under Schedule 2, Part 6, Class A of the GDPO.

Conclusions

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

B Davies

INSPECTOR