



Appeal Decision

Site visit made on 2 September 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2020.

Appeal Ref: APP/N2739/W/20/3254635

White Smithy Farm, Paradise Lane, Hazlewood, Tadcaster, North Yorkshire LS24 9NJ

- 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 Simon Richardson against the decision of Selby District Council.
 - The application Ref 2019/1167/FUL, dated 7 November 2019, was refused by notice dated 2 June 2020.
 - The development proposed is an agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural barn at White Smithy Farm, Paradise Lane, Hazlewood, Tadcaster, North Yorkshire LS24 9NJ in accordance with the terms of the application, Ref 2019/1167/FUL, dated 7 November 2019, 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: Site Location Plan Scale 1:12500@A1 (Drawing No. 1); Site Location Plan Scale 1:500@A1 Black and White (Drawing No. 1); Site Location Plan Scale 1:500@A1 Colour (Drawing No. 1); Site Location Plan Aerial 1:500; Proposed Elevations (Drawing No. 5); Structural Elevations (Drawing No. 5); Cross Section (Drawing No. 5); Floor Plan (Drawing No. 5); and, Roof Plan (Drawing No. 5).
 - 3) No external materials for the development hereby approved shall be used on site until a detailed specification, including the colour finish for all external surfaces, has been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details and thereafter retained and maintained as such.

Main Issue

2. The main issue in this appeal is whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

3. The appeal site forms part of an agricultural field in the open countryside and is wholly located within the green belt. The proposal is to erect a steel framed agricultural building measuring approximately 10 metres in width, 20 metres in

length and rising to a height of about 3.9 metres. It would have a large roller shutter door, a personnel door and be clad in steel sheeting.

4. The appellant's submission indicates that the building is to be used for the storage of agricultural machinery including a tractor, trailer reversible plough, power harrow, bailer, telehandler, livestock trailer, muck spreader, roller, and a number of other agricultural implements.

Whether inappropriate development

5. Although pre-dating the current iteration of the Framework, Policies SP2A (d) and SP3 of the Selby District Core Strategy Local Plan (the SDCS) (adopted 2013) state that development in the Green Belt must conform to national policies. In particular, Policy SP3 confirms that, in accordance with the Framework, permission will not be granted for inappropriate development unless the applicant has demonstrated very special circumstances to justify why permission should be granted.
6. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions as set out at paragraph 145. One such exception being buildings for agriculture.
7. The Council is of the view that the appellant has not demonstrated that the proposal is fairly and reasonably required for agricultural purposes. These concerns are based on the fact that the appellant's land holding extends to only 4 hectares and that the land is farmed by a tenant farmer with a nearby established farmstead that includes a number of existing agricultural buildings. However, the proposal must be determined on face value and therefore, in the context of Green Belt policy, these matters do not alter the fact that the proposal is for an agricultural building.
8. The plans illustrate a design that is typical of a modern agricultural building. In addition, the appellant has provided an extensive list of the type of agricultural machinery and implements that is intended to be stored within the building. Furthermore, I have not been directed to any local or national planning policies which would require the appellant to demonstrate a need for the building or provide a justification for the proposed scale.
9. On the evidence before me, there is nothing to suggest that the proposal would not be a building for agriculture. Consequently, I am satisfied that the proposal would not be inappropriate development in the Green Belt. It would therefore satisfy the provisions of the Framework and accord with policies SP2A (d) and SP3 of the SDCS in this regard.
10. Given my findings above, there is no need for me to consider the effect of the proposal on the openness of the Green Belt.

Other Matters

11. In support of their case, the Council have drawn my attention to an appeal against the refusal of the installation of a mobile home for a temporary worker's dwelling and erection of an agricultural building¹. While I have been provided with limited details of that appeal, it is clear from the proposal that

¹ Appeal Ref. APP/F2415/W/19/3230880

the circumstances in that case are not directly comparable to this appeal. I have, in any case reached my own conclusions on the appeal proposal on the basis of the evidence before me.

12. Objectors have raised concern with the size and scale of the building and its subsequent impact on the character and appearance of the surrounding area. However, I note that the Council have raised no concerns regarding the effect of the proposal on the character or appearance of the surrounding area. As such, I see no reason to disagree with the Council's findings in this regard.
13. The potential for the development to interfere with a water supply that crosses the site or the possibility that overhead powerlines may need to be relocated are private matters between the relevant parties and not within my jurisdiction.
14. The fact that the appellant has carried out improvements to his property, and is continuing to do so, is of little relevance to this appeal. Furthermore, any suggestion about an undeclared future business use for the proposed barn is merely conjecture. It has also been suggested that a further application for development on the appeal site is being considered by the Council in an attempt to circumvent the outcome of this appeal. However, I have not been provided with any details of this other application and regardless of this, I have determined the appeal on its own individual planning merits.
15. Reference has also been made to Annex E of Planning Policy Guidance 7. However, this is no longer extant and is therefore of little relevance to my determination.

Conditions

16. I have had regard to the list of suggested conditions provided by the Council and have considered these in the context of the Framework which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
17. I have imposed the standard timescale condition for implementation and a condition specifying the approved plans and documents for the avoidance of doubt and in the interests of certainty. A condition specifying the use as only for agriculture is unnecessary as it is explicit within the terms of the application and as set out in my decision that the development is for an agricultural building. A condition to seek the removal of the building if its agricultural use were to become redundant is both unreasonable and unnecessary as any future use would be subject to a further application for planning permission.
18. Finally, I have imposed a condition requiring the submission and approval of the specification, including the colour finish, of the external materials to be used in the development. This will ensure an appropriate external appearance is achieved. I have rationalised the wording of the condition suggested by the Council in the interests of precision and clarity.

Conclusion

19. For the reasons I have set out and subject to conditions, the appeal is allowed.

Jeff Tweddle

INSPECTOR