
Appeal Decision

Site visit made on 6 October 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Appeal Ref: APP/V4250/W/20/3254876

Land off Park Lane, Abram, Wigan WN2 5XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D Stott against Wigan Metropolitan Borough Council.
 - The application Ref A/19/88071/FULL, is dated 28 October 2019.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building at Land off Park Lane, Abram, Wigan WN2 5XP in accordance with the terms of the application, Ref A/19/88071/FULL, dated 28 October 2019, subject to the following conditions:-
 - 1) The development hereby approved shall be carried out in accordance with the details indicated on plan reference: 'Location Plan A', 'Proposed Site Plan', 'Proposed Elevations/ Proposed Floor Plan'.

Application for costs

2. An application for costs was made by Mr D Stott against Wigan Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. The appeal has been submitted on the basis that the Council has failed to give notice, within the prescribed period, of a decision on the application, and it is on this basis that the appeal has been determined. There are no putative reasons for refusal in contention. The Council have indicated in correspondence that permission should be granted subject to suggested conditions¹ following notification of the appeal. I have determined the appeal on that basis.
4. I acknowledge that the appeal site is within the Green Belt. Parties have not identified that the proposal is inappropriate development. I am also satisfied that the terms of the National Planning Policy Framework allow agricultural development not to be treated as an inappropriate form of development in the Green Belt.

¹ Email from the Council dated 11 September 2020

5. At my site visit I could see that works to erect the proposed building had already commenced with walls erected up to eaves level. The development works being progressed were consistent with the submitted appeal drawings.

Reasons

6. The building once in operation would be used for the keeping of livestock during certain months of the year and hay and machinery at others. The Council have not made a case to refuse the proposal prior to reaching a conclusion that planning permission should be granted subject to conditions. There are no issues in dispute. There is also no evidence of any harm arising from the development before me to reach a different conclusion.

Conditions and Conclusion

7. The Council have suggested various conditions which I have had regard to. Given that construction works have already commenced the suggested prior to commencement conditions seeking agreement of materials and drainage provision would not be enforceable.
8. The appeal documents confirm the building material details of green coloured sheeting panels and blockwork. Therefore, I conclude that samples of external materials would not be necessary for the appearance of the building to be considered acceptable. This is because the proposed materials indicated are typical to agricultural buildings; would match other existing buildings near to the appeal site without visual harm to the locality and the building is already progressing in line with this information.
9. I do not accept that foul and surface water drainage conditions are necessary. This is because it is likely that the removal of animal waste within the building will be required as part of the farming process when animals are sheltered for certain parts of the year, where there is also a manure storage area shown on the drawings and existing hardstanding's to factor. I have no evidence of a special protection issue which would warrant a different approach to the likelihood of farm practices dealing with this issue. Moreover, there is no evidence of local flooding where there are also large drainable areas of surrounding open fields close to the building does not lead me to the conclusion that specific drainage information is required to make the development acceptable in planning terms.
10. I have attached a condition linking the plans to the permission as this would facilitate an appropriate mechanism for any future variation to the approved plans if required.
11. For the reasons outlined above I allow the appeal and grant planning permission.

M Shrigley

INSPECTOR