



Appeal Decision

Site visit made on 10 November 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/J1860/W/20/3256489

Land off Jennet Tree Lane

- 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 A Grant and Mr G Smith against the decision of Malvern Hills District Council.
 - The application Ref 19/01857/FUL, dated 12 December 2019, was refused by notice dated 12 May 2020.
 - The development proposed is construction of detached agricultural building (for storage of plant, machinery, feed and shelter).
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Decision

1. The appeal is allowed and planning permission is granted for construction of detached agricultural building (for storage of plant, machinery, feed and shelter) at land off Jennett Tree Lane in accordance with the terms of the application, Ref 19/01857/FUL dated 12 December 2019 subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr A Grant and Mr G Smith against Malvern Hills District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site is a field accessed from a narrow country lane and forms part of a wider undulating agrarian landscape. The wider landscape is scattered with agricultural buildings and dwellings and fields defined by hedgerows. Rights of Way extend close to the site and across the wider landscape.
5. I acknowledge that the proposed building would be sited on the highest part of the field nor 'dug in'. However, it would be discreetly located in a corner close to the lane and the field gate contained to a small area of the field. As such, it would not result in a significant encroachment into the field or the wider landscape.

6. It would be typical of agricultural buildings with softwood boarding, shallow dark coloured roof and openings facing into the field. The presence of hedgerows and trees along the lane and the field boundaries would screen views of the proposed building from the lane and the neighbouring field. There would be longer range views of it including from Public Rights of Ways in the area. However, these would be glimpsed, screened by intervening hedges and trees and given its scale, siting and appearance the proposed building would not be discernible. For these reasons it would not appear as a discordant or visually intrusive feature in the landscape.
7. I conclude that the proposed development would not unduly harm the character and appearance of the area. As such it would accord with Policies SDWP 21 and SWDP 25 of the South Worcestershire Development Plan (2016) which, amongst other things, requires the scale, height and mass of development to be appropriate to the setting of the site and the surrounding landscape character and demonstrate that development is appropriate to and integrates with the character of the landscape setting.

Other Matters

8. I note the representations received. However, there is no substantive evidence to indicate that the field is being used for non-agricultural purposes at present. The appellant indicates that the building would be a livestock shelter and storage for agricultural items. Based on the evidence before me I am satisfied that the proposed development would be used for agricultural purposes.
9. There is no substantive evidence to indicate that the lane is unsuitable for vehicles including larger ones. Moreover, I note that the highways authority raised no objection to the application.

Conditions

10. The Council has suggested 9 conditions in the event that the appeal was to be allowed. I have considered these, in light of the National Planning Policy Framework and the Planning Practice Guidance. In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
11. In addition to the standard time three year-limit condition for implementation it is necessary to specify the approved plans in the interests of certainty.
12. To ensure a satisfactory appearance a condition for details of the floor level of the building has been imposed. In the interests of highway safety a condition for part of the track to be surfaced in a bound material has been imposed.
13. The Council has suggested two conditions in respect of surface water drainage. I have consolidated these conditions into 1 condition.
14. The Council has suggested a condition for the proposed development to be constructed from materials indicated on approved plans. However, sufficient information is shown on the submitted plans therefore it is not necessary to impose a further condition.
15. The Council has suggested a condition restricting the use of the building to agricultural or forestry purposes. However, the application has been advanced

as an agricultural building as such I do not consider that it is necessary to impose the condition.

16. The Council has suggested a condition for the development to be carried out in accordance with the recommendations in the Ecological Appraisal. However, as the site is of low ecological value and there is no evidence of protected species on site I do not consider that it is necessary to impose the condition.

Conclusion

17. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of 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: Proposed Site Plan Option 01 Drawing Number 1807 001 Rev A and Proposed Building Drawing Number 1807 020 Rev B.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the floor slab level of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) The development hereby permitted shall not be brought into use until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.
- 5) The development hereby permitted shall not be brought into use until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.