



Appeal Decision

Site visit made on 2 December 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Appeal Ref: APP/J3720/W/20/3256014

Firs Farm, Deans Green, Henley-in-Arden B95 5RJ

- 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 G Connolly against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/02100/FUL, dated 4 July 2019, was refused by notice dated 2 June 2020.
 - The development proposed is refurbishment and extension of existing agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for refurbishment and extension of existing agricultural barn at Firs Farm, Deans Green, Henley-in-Arden B95 5RJ in accordance with the terms of the application, Ref 19/02100/FUL, dated 4 July 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 approved plan numbered 3153_020 revision D.
 - 3) No development shall take place until a written scheme of archaeological investigation for a watching brief has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved scheme.
 - 4) Prior to commencement of any works above slab level of the development hereby permitted, details of materials and finishes to be used in the refurbishment of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

Application for costs

2. An application for costs was made by Mr G Connolly against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal would be permissible in the countryside having regard to Policy AS.10 of the Stratford-on-Avon District Core Strategy 2016 (CS).

Reasons

4. The proposal relates to a small dilapidated building that faces onto a field. The appellant also owns the adjoining pastureland and so it would seem that the site is part of a smallholding used for the grazing and keeping of livestock.
5. Limited information has been provided on the activities carried out on the farmstead but there is no reason to dispute the appellant's claim that the barn would continue to be used as a sheep shelter. The building would also provide storage space for equipment such as a tractor, quadbikes, trailers and chainsaws. It is likely that such items would be used in the keeping of animals or for land management associated with the smallholding and so the barn would serve an agriculture related purpose.
6. The Council contend that the building is in a condition beyond refurbishment and would need to be largely reconstructed. Even if this is the case, CS policy AS.10 allows for the erection of new agricultural buildings and so the extent of rebuilding works has no effect on compliance with the policy.
7. Since the appeal was lodged, the Council has granted planning permission for a scheme the same as the appeal proposal. It is likely that this planning permission would be implemented if this appeal was dismissed and so it provides a strong fallback position. In any event, for the above reasons, I conclude the development would accord with CS policy AS.10. Amongst other things, this policy states that buildings shown to be related to agriculture are acceptable in principle in the open countryside.

Other Matters

8. The scheduled ancient monument, Hob Ditch Earthworks, is near to the site. However, the development would be outside the designated area and in any case would only affect land already disturbed by the existing building. As such, there would be no harm caused to the significance of the heritage asset.
9. The proposal would not lead to a disproportionate increase in the size of the building and in any case the proposal would be for agriculture. As such, the scheme would not be inappropriate development in the Green Belt as defined in the National Planning Policy Framework (the Framework) and so would be acceptable in this regard.

Conditions

10. I have considered the conditions suggested by the Council as well as those included on the aforementioned planning permission for an identical scheme having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for reasons of precision.
11. A condition setting out the approved plans is required for reasons of certainty and to ensure the development is carried out in accordance with the drawings. To ensure a satisfactory appearance, a condition is attached that requires the submission and approval of external materials to be used in the development. To enable the proper recording of features of heritage interest, I impose a condition that requires the approval and implementation of an archaeological investigation scheme.

12. The Council suggests a condition that would limit the use of the proposal for land management and agricultural storage. However, this would prevent the use of the building for other agricultural activities such as accommodating livestock. Also, it is unclear which other uses would be unacceptable to the character of the area that would not require planning permission in any case. The suggested condition is unreasonable and unnecessary and so it is not imposed.

Conclusion

13. For the above reasons, I conclude the appeal should succeed.

Jonathan Edwards

INSPECTOR