



Appeal Decision

Site visit made on 24 November 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/D0840/W/20/3247137

Land east of Trevarth House, Lower Sheffield, Sheffield, Paul, Penzance

- 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 Allen against Cornwall Council.
 - The application Ref PA19/09768, is dated 19 November 2019.
 - The development proposed is described as *'construction of an agricultural barn, providing, much needed essential storage and security for tractors and associated apparatus, including cover for beekeeping equipment and dry store for bale storage and harvested produce. Upon existing area used to store farm machinery, including retention of access track.'*
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Decision

1. The appeal is allowed and planning permission is granted for construction of an agricultural barn and access track at Land east of Trevarth House, Lower Sheffield, Sheffield, Paul, Penzance in accordance with the terms of the application Ref PA19/09768, dated 19 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 004, 007, 008.
 - 3) Prior to the commencement of the construction of the agricultural barn, details of the system for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the details agreed prior to the first use of the barn and shall be retained for the lifetime of the development and in accordance with the approved details.

Procedural Matters

2. I have referred to the description of development in my decision only insofar as it refers to the development proposed.
3. At the appeal site I observed that an access track, bunding and an area of hardstanding have been constructed. I made my assessment on the basis of what I saw and the proposed plans.
4. The Council failed to give notice of its decision within the prescribed period. In the evidence, the Council has clarified that its contentions are limited to the need for conditions relating to surface water drainage and the future of the

barn if it becomes no longer required for agriculture. Nonetheless, interested parties have also raised several concerns.

Main Issue

5. On this basis, the main issue is the suitability of the site for the proposed development having regard to local and national planning policy.

Reasons

6. The appeal site comprises part of a 3.15 ha area of predominately arable land adjacent to the small settlement of Sheffield, within an Area of Great landscape Value (AGLV). Part of the Cornwall Area of Outstanding Natural Beauty (AONB) also falls approximately 300m to the south east. Highway access is via a field gate from the C0086 to the south. A Public Right of Way runs diagonally north east to south west across the arable land to the north.
7. Amongst other things, Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (CLP) states that in the countryside proposals for new employment use should be of a scale appropriate to its location or demonstrate an overriding locational and business need to be in that location.
8. The appellant intends to utilise the arable land to produce small bale hay. The evidence suggests that around 800 bales could be taken each year, and the storage demands from such would be met by the barn. Coupled with this is the associated machinery storage requirements and that of the beekeeping, in addition to the reasonable requirement for a degree of workshop space. In these circumstances, I am satisfied that the size of the barn is appropriate to its locational and business need. The financial viability of the business and the presence of any leasehold arrangements on the arable land have also been questioned, but assessment of such matters is not a requirement of Policy 5.
9. The barn would have a typical utilitarian design and would be nestled into a discreet corner of the site where, when viewed publicly, it would be set against the backdrop of Sheffield's built form, to which it would be subservient. The access track and bunding are small and innocuous features. As such, the proposed development would have an acceptable effect on the AGLV and would not impinge upon the setting of the AONB.
10. Whilst the wider area has clear flooding problems, there is no substantive evidence of any contributory issues at the site. The track has been formed of crushed stone dispersed into a permeable arrangement, which the appellant considers achieves a 'like for like' infiltration rate. The bunding adjacent to the access also serves to slow and obstruct surface water heading towards the highway. The appellant considers that this arrangement has not caused a material increase in flooding to the highway and I have no evidential basis upon which to disagree.
11. The barn and its attendant area of hardstanding would invariably increase the speed of surface water runoff to a limited extent. However, it seems to me that this could be successfully managed on site, with the specification of the drainage measures dealt with by a condition. Given such, the evidence before me draws the conclusion that the proposed development could be managed so as not to exacerbate any established flooding issues elsewhere in the locality.

12. Whilst the bund that has been created near to the site entrance may well have altered the way in which vehicles enter the site, there is no technical evidence that this precludes the size of vehicles and/or trailers required to carry out the intended use of the land. The proposal has not materially restricted visibility at the access and, it follows, would be acceptable with regard to highway safety.
13. I therefore conclude that the site would be suitable for the proposed development having regard to local and national planning policy. The proposal would accord with the relevant aims of Policies 1, 2, 2a, 5, 12, 23, 26 and 27 of the CLP and the National Planning Policy Framework (the Framework).

Conditions

14. In the event that I was minded to allow the appeal, the Council requested conditions to be applied, which I have assessed with regard to the tests set out in the Framework and the Planning Practice Guidance (the PPG). I have amended them where appropriate for the sake of clarity and precision.
15. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. In the interests of flood prevention, it is necessary to secure and retain a surface water drainage strategy at the site. Given the small scale of the proposal and the work that has already been carried out, I do not consider it necessary for a condition to ensure that an archaeological watching brief is adopted during the initial construction.
16. The Council considers that a condition should require the removal of the barn within months of the cessation of its use, and this has been endorsed by interested parties. The Council's stated reason for this is owing to the barn's impact upon the landscape. However, given my findings in relation to this matter, I do not agree that a condition is necessary for such a reason.
17. Interested parties are more concerned about Class Q¹. However, it is incumbent upon me to consider the planning merits of the proposal and there is no substantive evidence that any alternative plans for the barn are in the offing. Moreover, I am mindful that the PPG states that a condition restricting the future use of permitted development rights may not pass the test of reasonableness or necessity, and also that a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. On this basis, I do not consider it reasonable or necessary to impose any such restrictions in this case.

Conclusion

18. For the reasons outlined above, and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

¹ Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.