



Appeal Decision

Site visit made on 2 December 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 January 2021

Appeal Ref: APP/Q4625/W/20/3259121

Fen End House, Fen End Road, Fen End, Solihull, CV8 1NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning General Permitted Development (England) Order 2015.
 - The appeal is made by Mr Clive Briscoe against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/01074/PN, dated 22 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is an open-fronted barn with storage and hay loft.
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Decision

1. The appeal is allowed and is prior approval granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A, Paragraph A.2. of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an open-fronted barn with storage and hay loft, at Fen End House, Fen End Lane, Fen End, Solihull, CV8 1NS, in accordance with the application Ref PL/2020/01074/PN, dated 22 May 2020, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2.(2).

Background and Main Issues

2. Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit. Paragraph A.2.(2) of Class A requires (amongst other things) the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
3. The prior approval procedure under Part 6, Class A makes no provision for any determination to be made as to whether the agricultural building is permitted development. For the avoidance of doubt this decision does not purport to address the question of whether the development is permitted development. I am instead addressing the question of whether, should the scheme come within the status of permitted development, prior approval should be granted.

4. In this event, the Council contends within the reason for refusal that it has not been demonstrated that the proposed building is reasonably required for the purposes of agriculture within the unit, and that it would involve the provision of a building not designed for agricultural purposes.
5. On this basis the main issues are;
 - Whether the erection of an agricultural building is reasonably necessary for the purposes of agriculture within the unit, and has been designed for agricultural purposes, in accordance with Schedule 2, Part 6, Class A of the GPDO; and,
 - Whether prior approval is required in relation to the location or siting of the building, as well as its design and external appearance.

Reasons

6. The appeal site is set to the west of Fen End Road and comprises a small parcel of agricultural land which in addition to an open area and driveway accommodates a modest sized building denoted as 'Groom's Accommodation' on the submitted plans.

Purposes of agriculture

7. The appellant has provided detailed evidence in support of the justification of need for the proposed building and the uses which would be proposed to be undertaken within it in connection with the agricultural unit. It is indicated that in addition to open storage for smaller agricultural vehicles, equipment, and trailers, the proposed building would accommodate a farm office and a secure space on the first floor for the technological equipment and other high value smaller items which are part and parcel of the running of the business. A further secure, dry and frost-free storage area would be provided on the ground floor for bagged seeds, chemicals and sprays. A mess/rest room area is also indicated as being provided for agricultural workers.
8. I have carefully considered the appellant's submissions and accept the explanation for the need to detach the farm office from the other non-agricultural commercial and charitable activities which currently take place in the main farmhouse, and I note the Council has not sought to challenge this justification.
9. The Council's submissions have focussed principally on the implications of the design of the building and its suitability for modern agriculture. However, in this respect I am satisfied from the appellant's submissions that the building has been designed for the purpose which its physical layout fits.
10. I have had careful regard to the Council's various concerns including the availability of first floor windows, the suitability of first floor accommodation for the storage of equipment and the ground floor accommodation for storage of chemicals and seed, and whether the open-bay storage would be of a sufficient size to be useful for modern agricultural purposes. However, the appellant has robustly and satisfactorily addressed each of these points with direct reference to the needs and agricultural purpose of the building and the wider unit, and I therefore have no reason to doubt the veracity of the evidence.

11. For these reasons, I find that the proposed use of the building would be reasonably necessary for the purposes of agriculture within the unit, and has been designed for the agricultural purposes as stated, in accordance with the requirements as set out at Schedule 2, Part 6, Class A of the GPDO.

Siting, design and external appearance

12. It is necessary to consider the impact of the proposed building in the context of its siting, and design and external appearance. The proposed building would be of a similar form to the adjacent Groom's Accommodation albeit in part set over 2-storeys and whilst it would be positioned comparatively close to the boundary with Fen End Lane, the building would be largely screened by existing trees and hedgerow planting. It would adopt a traditional design approach being of a timber frame construction and utilising timber cladding and brick/timber infill panels, set with a tiled roof.
13. The appearance of the building would be a departure from more modern agricultural architecture and would appear as an attractive and considered addition to the local area. I am satisfied that it would not appear as an isolated or obtrusive structure within the landscape particularly in views from the west across open countryside where it would be read in the context of existing adjacent and nearby development.
14. In reaching my conclusions on these matters, I have been mindful of the absence of any such assessment of these matters by the Council at the time of the determination of the initial application for prior approval. However, the appeal provided the opportunity for the Council to remedy this omission but no further submissions were subsequently made.
15. For these reasons, I find that neither the siting of the proposed development nor the design and external appearance would harm the character and appearance of the area.

Conclusion

16. For the reasons given above, I conclude that the proposal would be acceptable with respect to its siting, design and external appearance, and prior approval should be granted. The appeal is therefore allowed.

M Seaton

INSPECTOR