

Appeal Decision

Site visit made on 15 December 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/N0410/W/20/3256784

Challens Chicks Farm, Marsh Lane, Taplow SL6 0DE

- 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 Challen against the decision of South Bucks District Council.
 - The application Ref PL/18/3946/FA, dated 19 October 2018, was refused by notice dated 29 January 2020.
 - The development proposed is erection of a quail barn.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a quail barn at Challens Chicks Farm, Marsh Lane, Taplow, SL6 0DE, in accordance with the terms of the application, Ref PL/18/3946/FA, dated 19 October 2018, subject to the conditions in the attached schedule.

Preliminary Matter

2. South Bucks District Council ceased to exist on 1 April 2020, following a merger between Buckinghamshire County Council, Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils to form the new Buckinghamshire Council. Provisions within the relevant regulations¹ allow for any "*plan, scheme, statement, or strategy*" prepared by one of the merging authorities to be treated as if "*it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates*". The status of the South Bucks District Local Plan 1999 (Local Plan) is therefore unchanged.

Application for costs

3. An application for costs was made by Mr Challen against South Bucks District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development within the Green Belt and whether it would harm its openness, having regard to the National Planning Policy Framework and policies in the Development Plan;
 - whether the building would be reasonably required and well designed for agricultural purposes; and

¹ Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations (2008)

- the effect of the proposed development on the character and appearance of the area.

Reasons

Whether inappropriate development

5. Paragraph 143 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt, although exceptions to this include buildings intended for agricultural and forestry purposes. The exceptions indicate that the concept of 'openness' of the Green Belt does not imply freedom from *all* forms of development.
6. Policy GB1 of the South Bucks Local Plan (1999) also reflects the Framework policy on Green Belts insofar as it defines agricultural and forestry buildings to fall within the excluded types of development within the Green Belt (i.e. not inappropriate).
7. As the proposal is intended for agricultural purposes on an existing poultry farm, it would appear to be an agricultural building and thus not inappropriate development in the Green Belt in accordance with Local Plan Policy GB1 and the Framework. Consequently, the proposal should not be regarded as harmful either to the openness or to the purposes of including land within the Green Belt in respect of maintaining its essential characteristics.

Reasonable requirement and design

8. Whether an agricultural building would be 'reasonably required' for agricultural purposes within the Green Belt is not an assessment that the Local Plan or Framework detail as strictly necessary, although a similar assessment is set out under Schedule 2, Part 6 of the GDPO². However, the suitability of the building for its intended use and compatibility with the purposes of the Green Belt can be considered under Local Plan Policy GB9, which whilst not listed in the decision notice, has been provided and is relevant in this case.
9. The proposed building would measure approximately 36 metres by 14 metres. The layout plan shows an approximate third of the floor area given over to quail housing and associated walkways. Another area marginally larger than a third would be used for racking for egg box storage and the remaining area would be split between forklift storage, an office and walk-in-fridge. Considered in the context of the siting of the building on a poultry farm and with an intention that it would support the farm's primary source of income, i.e. from egg production, the building as a whole would have an agricultural use in association with the existing enterprise.
10. The quail component of the building is to support a venture into which the business is diversifying and there are some risks associated therewith. However, I have limited evidence to suggest that the building is poorly designed for this purpose and the surplus floorspace around the 66 sqm of caging would provide the requisite area for movement of personnel and to provide sufficient space to clean the cages and other such associated activities.

² The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

The reduced headroom above the tiered cages from the proposed eaves and ridge height (3m and 4.2m respectively) would also have to accommodate a ventilation system and the appellant indicates that a solution would be achievable.

11. The storage of egg boxes in bulk is understandable given the volume of eggs that the farm is dealing with. Whilst the supply would be in the region of 20 months' worth and therefore greater than the immediate needs of the business, there is a logic in providing for the inevitable medium-term future needs and creating cost savings. Furthermore, there is limited evidence that the other areas, for storage, refrigeration space and office, are so excessive in size or poorly designed that they would fail to meet the needs of the farm.
12. The existing structures on site are smaller in scale, low in height and are obviously distinct from 'urban sprawl' which is what the Green Belt policies exist to prevent. However, whilst those structures may also be temporary and moveable in nature, these are not strict requirements for agricultural buildings within the Green Belt. The preference to accommodate a permanent building of the scale and design put forward has adequate justification and its lowered height compared to the originally submitted plans has shown due consideration to the potential effects on the area's character and appearance.
13. Drawing together this main issue, the proposal is required for an agricultural purpose on the site of an existing business which has a proven track record of growth and which intends to further diversify. Whilst there is an element of risk in this, as is the case with all businesses, agricultural or otherwise, the fact remains that the business wishes to create further economic advantage and the Framework offers support by way of paragraph 83 for them to do so. The building appears to have been designed to meet the business's current and future needs and it does not appear that there were any other buildings that could accommodate the stated requirements. As such, the proposal would comply with Local Plan Policy GB9 and the policies of the Framework.

Character and appearance

14. The building would be sited in the eastern corner of the site which benefits from being close to two adjacent hedgerows. This part of the site is close to a number of other clustered structures used in connection with the agricultural business which have a combined low-lying, limited effect on the visual characteristics of the wider 4 hectare site. Structures are well spaced and generally limited in number with large amounts of retained grazing or grassland in between and around them and there is evidence of recent tree planting within the site.
15. The building would have a functional agricultural design and footprint of 504 sqm. At a now reduced ridge height of 4.2 metres and eaves level of 3 metres it would benefit from a degree of screening by the adjacent hedgerows and trees, despite their low level and patchiness in places.
16. Though the adjacent poultry laying units are movable, the building would still be in reasonable proximity of some agricultural structures which will ensure that it does not appear as an incongruous incursion into the countryside. The green metal sheet walls and similar corrugated metal roof would help it assimilate within the context of the mostly green site and wider landscape.

17. For these reasons, the proposal would not harm the character and appearance of the area and would therefore comply with Local Plan Policy EP3 which only permits development where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general.

Other Matters

18. I note the suggestion that the business is intensifying from one which has a low impact on the Green Belt to one which has a permanent effect and that the proposal should be considered in context with the longer-term business plans. Whilst there is no evidence that there are other proposals to come forward, were any submitted in the future, they would be determined on their own planning merits in any case.
19. Given the existing use of the site, I have limited evidence that any additional traffic would be generated or that the effects from any modest increase would be so harmful in terms of the capacity of the highway network or disturbance to adjacent neighbours so as to justify a dismissal for these reasons.
20. Though a concern has been raised in respect of waste management, there is limited evidence to suggest that there is an issue that would be exacerbated by the proposal. The waste management measures currently implemented would continue with any additional waste to be dealt with in a similar manner.
21. Though a concern has been expressed in relation to animal welfare legislation and/or biosecurity guidance arising from the appellant's plans to stock the barn in increments of 1,000 quails, this is not a matter for this appeal. The appellant has an interest in ensuring the health and wellbeing of all livestock and this aspect is governed outside of the planning process in any event.

Planning balance and conclusion

22. For the reasons set out above, and having regard to all other matters raised, the appeal is allowed.

Conditions

23. In addition to the statutory time limit, it is necessary to condition the approved plans in the interests of certainty.
24. In the interests of the character and appearance of the area, details of the external materials shall be approved prior to their use in the construction of the building.
25. In order to protect the characteristics of the Green Belt, the use of the building shall be restricted by condition to agricultural uses only.

Hollie Nicholls

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:
 - Location Plan, scale 1:2500
 - Revised Elevations, scale 1:100 dated 24/09/19
 - Proposed Site Plan, scale 1:500
 - Proposed Floor Plan, scale 1:100
- 3) Prior to their first application in the construction of the building hereby permitted, details of the external materials shall 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.
- 4) The building hereby permitted shall be used for agricultural purposes only, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended).