



Appeal Decision

Site visit made on 3 December 2020

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 27th January 2021

Appeal Ref: APP/J1915/W/20/3255734

Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA

- 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 Paul King against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0236/FUL, dated 5 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter at Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA in accordance with the terms of the application, Ref 3/20/0236/FUL, dated 5 February 2020, 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 following approved plans: Location plan (received 14/2/2020); Site plan (received 14/2/2020); 001 (received 18/2/2020); 0002-Side views of proposed barn (received 18/2/2020; and, 0003-Base Plan except in respect of the window in the western elevation referred to on plan 0003. That elevation shall be constructed without a window in accordance with plan 0002.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials identified on the associated planning application form or in materials the details of which shall have been approved in writing by the local planning authority prior to incorporation in the building.
 - 4) Any demolition, site preparation or construction works associated with the development hereby permitted and the operation of plant and machinery involved in those works shall take place only between 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on

Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Application for costs

2. An application for costs was made by Mr Paul King against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural matters

3. The appeal form acknowledges that the description of the proposed development changed from that stated on the application to that used by the Council in its Refusal Notice, which was '*erection of barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter*'. I have taken this into account and used the revised wording in the summary information and formal decision set out above.

Main Issue

4. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the site, the surrounding rural area and the wider countryside.

Reasons

5. The appeal site comprises a grassed field, which is situated directly to the northwest of the village of Cromer. The appeal site and the adjoining field to the southwest comprise a small agricultural holding, which the appellant has indicated is used for a truffle plantation, hay growth and as grazing land. The proposed barn is intended to support those uses.
6. The appeal site forms part of an area of countryside designated as the 'Rural Area beyond the Green Belt'. With the aim of maintaining the Rural Area beyond the Green Belt as a valued countryside resource, Policy GBR2 of the *East Herts District Plan 2018* (DP), identifies a number of types of development which will be permitted, provided that they are compatible with the character and appearance of the rural area. The types of development listed include buildings for agriculture. DP Policy DES4 seeks to ensure that all development is of a high standard of design and layout to reflect and promote local distinctiveness and it expects proposals to respect the character of the site and surrounding area.
7. I saw the existing plantation and some machinery on site, and I have no reason to doubt that the land is used for the purposes identified. Furthermore, I consider that utilisation of the proposed building for storage and shelter in association with the identified land uses would qualify as a building for agriculture; a view shared by the Council.
8. The proposed building would have timber clad walls and a pitched roof clad in dark coloured, corrugated sheets. The Council acknowledges that the form and materials of the building would give it a rural appearance. However, it has expressed the concern that, in the absence of further details regarding the scale of the enterprise and how long the activities have been established, it is not clear that the size of building proposed is necessary.
9. The ridge level of the proposed building would be approximately 3.6 metres high and it would have a footprint some 14.5 metres by 7.3 metres.

The appellant has indicated that the building would be sub-divided into 4 areas, which would include: a secured bay for the storage of a tractor; a bay for other machinery; a bay for livestock shelter and feed; and, a secured bay which would be used for a number of purposes, including storage of chemicals needed for the truffle plantation. In my view, the proposed purposes for which the bays would be used are reasonably related to the use of the land and in the context of those purposes, the space allowed for does not seem to me to be unduly large.

10. The proposed barn would be located close to the northeastern corner of the appeal site, which is bounded by relatively tall hedgerows to the north and east and is close to the built-up area of the village. In comparison with other areas of the field, the position chosen would be relatively unobtrusive. Nonetheless, I agree with the Council it is likely that the proposal would be visible from a number of public vantage points to the south and west of the site. However, from those locations it would be seen together with, and would appear to be closely physically related to, the neighbouring complex of commercial buildings within Cromer, which are taller than the proposal and have a much larger footprint. In this context, the proposed barn with a rural appearance, positioned in the corner of the field close to a built-up part of the village would not appear unusually large or incongruous, nor would it materially harm the openness of the appeal site, notwithstanding the current absence of development there. In my view, the proposal, which would not harm the character or appearance of the site, its surroundings or the wider countryside, would be compatible with, and respect, the character and appearance of the rural area.
11. I conclude that the effect of the proposal on the character and appearance of the appeal site, the surrounding rural area and the wider countryside would be acceptable. It would not conflict with the aims of DP Policies GBR2 and DES4.

Other matters

12. Planning permission was granted in 2004 for the erection of a barn to house agricultural machinery equipment on land that included the appeal site field. However, that permission has lapsed. Furthermore, the approved barn would have been sited on land to the north of the appeal site. Although it is likely that it would have been visible from an adjacent public footpath, I consider that it would have been less likely than the appeal scheme to be visible from those public vantage points to the south and west which I have referred to above and were identified as a concern by the Council. This is due to planting along the northern boundary of the appeal site and alongside the site of the approved barn. In addition, the planning policy framework has changed since the previous approval was granted. Therefore, the circumstances are not directly comparable to those in the case before me, which I have considered on its own merits.
13. I have no doubt that the proposal would support existing activity on the smallholding. However, I have not been provided with any compelling evidence to show that the proposal would be likely to materially increase the contribution that agricultural activity at the appeal site makes to the rural economy. It would not benefit from the support given by DP Policy ED2 to development resulting in economic growth and employment in the rural area.

14. Located as proposed, the appeal barn would not be visible from the road through the village and it would be set well apart from other highways and public rights of way. It would be unlikely to attract passers-by. The rear gardens of a number of dwellings back onto the field that adjoins the northern boundary of the appeal site, which is enclosed by hedging. I consider that the combination of the separation distances between the proposal and those properties and intervening planting would be sufficient to ensure that the scheme would be unlikely to have an unacceptable effect on the living conditions of the residents of those properties or their security. In relation to this matter, the appeal proposal would accord with DP Policies DES4 and EQ2 insofar as they seek to safeguard residential amenity.
15. I give little weight to the concern raised that the proposal may lead to residential development on the appeal site in the future, as that is not what is now proposed and each case must be considered on its own merits.

Conditions

16. The Council has suggested 4 conditions that it considers should be imposed in the event that the appeal is allowed and planning permission granted. In addition to the normal commencement condition, I consider that a condition would be necessary to ensure that the works for which planning permission is granted would be carried out in accordance with the approved plans, in the interests of certainty for all parties. However, whilst the notes included on the proposed floor plan drawing make reference to a window inserted in the western elevation of the proposed barn, no windows are shown in that wall on the proposed elevation drawing. I see no need for a window there and consider, in the interest of certainty, that it would be necessary to clarify that the wall should be constructed without a window. Conditions would also be necessary: firstly, to control the materials used in the external surfaces of the building, in the interests of visual amenity; and secondly, to control the hours during which the approved works could be constructed, in the interests of safeguarding the amenities of neighbouring residents.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR