



Appeal Decision

Site Visits made on 8 March and 25 March 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2021

Appeal Ref: APP/Z2830/W/20/3262043

Land adjacent to Highfields, Blakesley Road, Adstone, Towcester, Northamptonshire NN12 8DS

- 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 (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mrs H Kemp against the decision of South Northamptonshire District Council.
 - The application Ref S/2020/1358/AGD, dated 7 August 2020, was refused by notice dated 10 September 2020.
 - The development proposed is a new agricultural hay store and occasional agricultural machinery store.
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Decision

1. The appeal is allowed and prior approval is not required 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 a new agricultural hay store and occasional agricultural machinery store development on land adjacent to Highfields, Blakesley Road, Adstone, Towcester, Northamptonshire NN12 8DS in accordance with the application ref S/2020/1358/AGD made on 7 August 2020, and the details submitted with it, including the site plan, elevations, plan and section view of the building, pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2(2).

Preliminary Matters

2. The Council's decision notice states that it relates to the determination as to whether prior approval is required but does not explicitly state that prior approval is refused. Looking at the notice as a whole, including the reason as set out and the officer report that supports the notice, it is reasonable to read the notice as a refusal of prior approval.
3. The local planning authority in its decision decided that the proposal did not constitute permitted development and neighbours state that they have never seen sheep on the site. The appellant contests both matters. Unlike other parts of the GPDO though the prior approval procedure set out under Part 6 makes no provision for any determination to be made as to whether a proposal would be permitted development. As a result, this matter is outside the remit of this appeal.
4. In the event that I decide that prior approval is not required, the appropriate time for the local planning authority to determine whether the building would be permitted development would be in response to an application for a

certificate of lawfulness, or if no such application is made, through the powers the authority has in relation to enforcement.

Main Issue

5. On the basis of Schedule 2, Part 6, Class A, paragraph A.2.(2) of the GPDO, the main issue in this appeal is whether prior approval is required as to the siting, design and external appearance of the building.

Reasons

6. The appeal site is located within rolling open countryside. It consists of a number of fields of pasture bounded by hedgerows on the south side of Blakesley Road. It forms part of a larger holding of land of 45 hectares which the appellant states constitutes an agricultural unit. Horses, as part of a pinhooker business, are kept on the site in summer and it is stated that sheep are kept on the site during the winter and spring.
7. At present the hay that is made on the site in early summer is stored elsewhere and transported to the appeal site. To reduce transportation, a building is sought for the storage of hay, machinery and equipment on site.
8. The proposed building would face Blakesley Road and be used to store hay and associated machinery. Measuring 18.3 metres (m) in length, 6m in depth and with a ridge height of 6.4m the gable ended building would be open fronted and have 3 bays. Concrete panels with green corrugated sheeting above would enclose the sides and rear of the building and it would have a fibre cement roof. The design and external appearance of the building would therefore be agricultural and thus acceptable.
9. In terms of its siting, the building would be positioned on the rear boundary of the first field, comfortably over 100m from Blakesley Road, which would reduce its visual impact in views from the highway. As a result of its location, vehicles accessing the building would have to travel a significant distance across the field. However, the route is flat and with little in the way of ruts present the field appears to be relatively well drained. In addition, there is nothing to suggest that the frequency of vehicle movements to and from the building would be intense. Consequently, whilst the route across the field for vehicles may well at times be muddy, it does not seem to me that a long access track, which would further increase the extent to which the field is changed by development, would need to be created for agricultural vehicles.
10. The building would be visible from the dwellings to the west. However, given its acceptable design and appearance, and that it would be located even further away from these houses than it would be from the road, this does not indicate problems with its location.
11. For the reasons given above, I do not consider that the building is poorly sited in terms of its prominence and effect on the character and appearance of the open countryside or in terms of access.
12. As the appeal site is in an isolated location any building on it would not benefit from natural surveillance. The open front to the building would also mean that once the locked field gate is opened and the field crossed access inside the building could easily be gained. However, open sided agricultural buildings are often sited in isolated locations and those who use the building would have to

act accordingly in terms of what it is used to store and how its contents are secured. As a result, I do not consider that the building on the appeal site, rather than another part of the land held by the appellant, or its siting on the far side of the first field, means that its siting is unacceptable for reasons of security.

Other matters

13. Neighbours have expressed concerns about the future intentions of the appellant. However, such matters are not relevant to the appeal. Any future application, depending on its nature, would be determined against the GPDO or on its merits against local and national planning policy.
14. Reference has been made to the field gate that provides access to the site having been installed in a dangerous location without permission. This though is not a matter within my remit and should be raised with the local planning authority.

Conclusion

15. For the reasons given above, I therefore conclude that the appeal should be allowed and prior approval is not required.
16. Paragraph A.2 imposes conditions on permitted development that falls within Class A. In brief, these include that:
 - the development must be carried out within a period of 5 years from the date on which this prior approval application was submitted to the local planning authority;
 - waste materials are not brought onto the site from elsewhere, except for the prompt construction of the building or the creation of hard surfaces;
 - within 7 days of the date on which the development is substantially complete, the developer must notify the local planning authority in writing of this fact; and,
 - if the use of the building for agriculture ceases within 10 years of it being substantially complete that, subject to certain exceptions, it is removed and the land made good.

Ian Radcliffe

INSPECTOR