



## Appeal Decision

Site visit made on 10 May 2021

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

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**Appeal Ref: APP/M1005/W/20/3265427**

**Kennels Farm, Codnor Park, Ironville, Nottingham NG16 5PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning General Permitted Development (England) Order 2015 (the GPDO).
  - The appeal is made by Dr G Parkin against the decision of Amber Valley Borough Council.
  - The application Ref PDR/2020/0044, dated 15 June 2020, was refused by notice dated 10 August 2020.
  - The development proposed is an agricultural building.
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, and the conditions of that Class, for an agricultural building at Kennels Farm, Codnor Park, Ironville, Nottingham NG16 5PE, in accordance with the details submitted under application Ref PDR/2020/0044, dated 15 June 2020.

### Procedural Matters and Background

2. I have also dealt with another appeal (Ref APP/M1005/W/20/3265423) on this site. Owing to the type of application and subsequent appeal, that is the subject of a separate Decision.
3. Part 6 Class A of the GPDO grants planning permission for the erection of a building on an agricultural unit of 5 hectares (ha) or more, which is reasonably necessary for the purposes of agriculture within that unit. This is subject to a number of stated exceptions as set out in paragraph A.1. There is no dispute between the parties that the proposed building would meet these requirements and that it would be permitted development.
4. Paragraph A.2 of Class A imposes conditions on the permission granted. Condition (2) requires an application to be made 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. The Council's decision is that prior approval is required and that such approval has been refused on the basis of the impact of the proposal on the character and appearance of the area.

## **Main Issues**

5. Because the GPDO grants planning permission for the building, there is no statutory requirement to determine the application in accordance with the development plan. Similarly, the principle of the development is not an issue in this appeal, and the Council have accepted that the agricultural need for the building is properly made out. The only matters for my consideration are the siting, design and external appearance of the building. Those are therefore my main issues.

## **Reasons**

6. The proposed agricultural building would be located adjacent to an existing group of agricultural buildings, including poly tunnels and a steel framed barn. The immediate setting is agricultural, with livestock and associated buildings clearly evident. The building would be in line with existing buildings and would appear as a part of that existing group in longer views from roads and public rights of way in which the group already appears. I note the comments from the Council and the appellant around the changing levels across the site and the effect of this on the location of the proposal. To my mind however, none of this counts against the proposed siting. As such, I find that the siting of the proposal is acceptable.
7. The design of the proposal is a standard agricultural building, the scale, design and proposed use of which has been justified, acceptable for its location within an existing group of agricultural buildings of various ages and appearances. The design of the proposal relates to the agricultural activities that might reasonably be conducted on the unit and is therefore acceptable.
8. The building is proposed with a green-painted concrete dado, Yorkshire boarding above and a green profiled-steel roof. Again, this is entirely appropriate for an agricultural building in an established agricultural setting. I accept that the proposal, like the existing group of buildings, would be visible from public rights of way, Station Road and Forge Row. However, as these views would be limited by the substantial hedgerow to the north of the site and would be set against the backdrop of the existing, established agricultural group, I do not consider that this is harmful. I therefore find that the external appearance of the proposal, at all scales, is acceptable.
9. The Council have referred to policies in the Amber Valley Local Plan, 2006 and the National Planning Policy Framework (the Framework) which they consider to be relevant considerations insofar as they relate to the siting, design and external appearance of the proposal. These require that regard be had to the effect of the proposal, in terms of preservation or enhancement, of the character, appearance and significance of the Codnor Park Conservation Area (the CA) which overlays the site. These do not alter my conclusions on the siting, design and external appearance of the proposal as set out above.
10. Notwithstanding that, and acknowledging the CA designation, the proposal is clearly agricultural in terms of its siting, design and appearance, and is within a clearly agricultural, albeit post-industrial setting. As such, and as I have found that the siting, design and external appearance of the proposal is acceptable, I consider the proposal would in any event preserve the character and appearance of the CA.

## **Conclusion**

11. For the reasons set out, 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.

*S Dean*

INSPECTOR