The Planning Inspectorate

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

Appeal Ref: APP/M1005/W/20/3265423
Kennels Farm, Forge Row, Codnor Park, Ironville NG16 5PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Dr G Parkin against the decision of Amber Valley Borough Council.
- The application Ref AVA/2020/0458, dated 18 May 2020, was approved on 3 August 2020 and planning permission was granted subject to conditions.
- The development permitted is "Proposed extension to existing hay barn at Kennels Farm Forge Row Codnor Park".
- The condition in dispute is No 3 which states that: "Notwithstanding the submitted plans, this permission does not relate to the development of two timber cctv poles".
- The reason given for the condition is: "To define the terms of this permission and for the avoidance of doubt".

Decision

1. The appeal is allowed and the planning permission Ref AVA/2020/0458 for a Proposed extension to existing hay barn at Kennels Farm, Forge Row, Codnor Park at Kennels Farm, Forge Row, Codnor Park, Ironville NG16 5PE, granted on 3 August 2020 by Amber Valley Borough Council, is varied by deleting condition 3.

Preliminary Matters

2. I have also dealt with another appeal (Ref APP/M1005/W/20/3265427) on this site. Owing to the type of application and subsequent appeal, that is the subject of a separate Decision.

3. In granting planning permission, the Council changed the description of development from that applied for to that shown in the banner heading above. The development originally applied for was *"Proposed extension to existing hay barn and erection of 2No CCTV poles".*

4. During the determination of the application, the Council considered the CCTV poles to be inappropriate development in the Green Belt and sought the agreement of the appellant to the disputed condition, in order that planning permission could be granted for the barn extension.

5. The appellant agreed to the condition in order to secure planning permission for the barn extension, but there is no evidence of their agreement to the change to the description of development, or what the Council described as withdrawing that element from the proposal. I am therefore satisfied that the appeal can proceed on the basis of the CCTV poles forming part of the development originally applied for.

Main Issues

6. The main issue therefore is whether condition 3 is reasonable or necessary having regard to

   - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies
   - the effect of the proposal on the character and appearance of the area and privacy.

Reasons

Whether inappropriate development

7. The Council states but does not identify precisely how or why, that the CCTV poles are inappropriate and therefore harmful to the openness of the Green Belt. In my view, the CCTV poles are connected to the extension of the barn and therefore associated with and required in connection with the buildings to be used for agriculture.

8. Both the Council and the appellant agree that the barn extension can properly be considered as not inappropriate development within the Green Belt under the exception set out in paragraph 145a of the Framework. Given the nature of the proposal and the context of the site and its setting, I agree with this interpretation and find that the proposal as a whole, including the CCTV poles would not be inappropriate development within the Green Belt.

Character and appearance

9. There are a number tall, wooden poles within, around and near to the site, for electricity and telecoms infrastructure, as well as a number of tall trees and other CCTV and lighting poles. The proposed wooden CCTV poles would therefore have a character and appearance entirely appropriate to and consistent with the established character and appearance of the site. I do not therefore consider that the CCTV poles would harm the character or appearance of the area.

Privacy

10. Third parties have raised the matter of the effect of the CCTV poles on privacy, as a number of public rights of way run near to the site and could be covered by the CCTV system. As there is evidence of need in this location, I consider that it is reasonable and appropriate for this agricultural business to seek to secure and protect their agricultural buildings.

11. Whilst I acknowledge privacy concerns around the use of any CCTV system, this is controlled by mechanisms beyond the planning system, and I do not consider that detail around the operation of the system has a bearing on the overall acceptability of the proposal. I do not therefore consider that the proposal would be harmful to privacy.

Conclusion

12. As I have found that the proposal as a whole is not inappropriate development in the Green Belt, and as I have found no harm to character and appearance or privacy arising from the CCTV poles, I therefore find that the condition is neither reasonable nor necessary.

13. As such, it does not pass the tests in the Framework and the Planning Practice Guidance, and for the reasons given above I conclude that the appeal should be allowed.

S Dean
INSPECTOR