
Appeal Decision

Site visit made on 13 July 2021

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/J3720/W/21/3269556

Land West of Sherridge, The Slough, Stratford-on-Avon, Redditch, B97 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 6.
 - The appeal is made by Jack McKelvie against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/00147/AGNOT, dated 19 January 2021, was refused by notice dated 12 February 2021.
 - The development proposed is multi-span polytunnels for the commercial sale of a range of plants.
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Decision

1. The appeal is allowed and approval is granted under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 6 for the siting of multi-span polytunnels for the commercial sale of a range of plants at Land West of Sherridge, The Slough, Stratford-on-Avon, Redditch, B97 5JT in accordance with the terms of the application Ref 21/00147/AGNOT, dated 19 January 2021, and the plans submitted with it.

Preliminary Matters

2. The application was made under Part 6 of the above Order. Class A refers to agricultural development on units of 5 hectares or more. To be permitted development the scheme needs to comply with various clauses and conditions set out in paragraph A1. The Council had no objection to the siting, design and external appearance of the polytunnels. The matter in dispute is the interpretation of paragraph A which permits works for the erection of a building, which are reasonably necessary for the purposes of agriculture within that unit.
3. A planting schedule for the polytunnels was submitted late in the appeal process. The Council commented that it had not been part of the consultation process but did not alter their decision. I did not find that this was material to my consideration as such a planting schedule would only be indicative.

Main Issue

4. The main issue is whether the polytunnels would be reasonably necessary for agriculture.

Reasons

5. The holding is located on Rough Hill Farm. It is approximately 6.8 ha of land which is used for growing hay, vegetables, fruit, breeding of pigs, lambs and chickens. There is a farm shop which occupies approximately 0.02 ha of the area. The holding is over two land parcels split by the A448 main road.
6. The proposed polytunnels would be approximately 30 x 20m and sited to one side of an existing storage building and the Rough Hill Farm shop. To the other side is an open field which at the time of my site visit was being used for rearing pigs and free-range hens.
7. The proposed polytunnels would be used for horticultural purposes for the growing of plants. The definition of agriculture is set out in Section 336 of the Town and Country Planning Act 1990 and horticulture is included. The Council take issue with the polytunnels in that the application details do not specify the plant species, timing and volume of plant sales: they were not satisfied that a clear agricultural need was demonstrated.
8. This is an established holding with a range of agricultural activities. The business will have to evolve and adapt to the future market demands and circumstances. Accordingly, it would be unrealistic to expect detailed planting schedules for the polytunnels to be confirmed at this stage. In any event, the various existing activities on the holding show that it has the skills, experience and land necessary for agriculture, which would enable an appropriate use of the polytunnels.
9. The decision notice refers to the lack of support for the existing agricultural enterprise. However, the polytunnels would be a protected and warm environment which would help to diversify the cultivation process. The Planning Practice Guidance highlights the usefulness of polytunnels for protection of plants or young livestock, improving the quality of produce and extension of the growing season.
10. The Council's statement expresses concern whether 600sqm of polytunnels would be viable. However, the structures would not be likely to be expensive being made from rudimentary materials and the farm shop provides the opportunity for sales. Such products might well be expected to sell at a higher premium being grown in untypical seasonality and may well save the loss of produce. In addition, the polytunnels would be modest in relation to the size of the holding.
11. I therefore find that the polytunnels would be reasonably necessary for agriculture.
12. The appellant's and Council submissions refer to High Court Cases, on whether the requirements of the GPDO should be considered. However, these do not lead me to a different decision in this particular case.

Conclusion

13. I therefore conclude that the appeal should be allowed

John Longmuir

INSPECTOR