



Appeal Decision

Site Visit made on 27 July 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021

Appeal Ref: APP/C1625/W/21/3274017

The Barn, Damery, Wotton-under-Edge, Gloucestershire GL12 8HB

- 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 Mr Haigh-Gannon & Mrs Stephens Tuffee against the decision of Stroud District Council.
 - The application Ref S.20/0819/FUL, dated 20 April 2020, was refused by notice dated 29 October 2020.
 - The development proposed is described on the application form as 'regularisation of use of access and driveway as dual purpose: the lawful residential use of the barn Ref: S.15/0938/P3MB (occupiers, deliveries and visitors) and the agricultural land that surrounds the converted barn. Retrospective change of use of small area of former agricultural field to domestic curtilage; and proposed erection of detached outbuilding for storage of wood for domestic fuel, land maintenance vehicles and machinery used for the continued up keep of the agricultural land and hedgerows within this parcel (formerly part of parcel No.8627)'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a building for storage of agricultural machinery at The Barn, Damery, Wotton-under-Edge, Gloucestershire GL12 8HB in accordance with the terms of the application, Ref S.20/0819/FUL, dated 20 April 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. Notwithstanding the description in the heading above which refers to the proposed outbuilding being 'detached', the Council's decision was based on a layout that shows the proposed building adjoining the existing converted barn ('the barn'). Whilst other iterations of the proposal were included in the appeal submissions, the appeal process should not be used to evolve a scheme¹. Therefore in the interests of clarity, I have determined the appeal on the basis of the plans referenced on the Council's decision notice².
3. The appellants had sought to include in this appeal the regularisation of the use of the site access, and retrospective change of use of land being used to grow vegetables. However, the location of those elements is only reflected on a plan that shows a different location for the proposed storage building, and not on the plans determined by the Council. Those elements therefore do not form part of the scheme before me.

¹ Procedural Guide - Planning appeals – England (March 2021): Paragraph M2.1

² The Council's decision notice states 'Plans considered Site plan submitted 08/10/2020. Elevation and floor plans submitted 08/10/2020. Also site plan from S.15/0938/P3MB - Ref - 05-002 REV D dated 07/05/2015'.

4. The scheme is advanced as a building for storage of machinery associated with the maintenance of the surrounding agricultural land on site. It consequently does not require a change of use of the agricultural land on which it would be located to residential garden. Due to the proposed building being partially located on a narrow strip of land in residential use, the use of that land would consequently change to agricultural use on implementation of this appeal scheme.
5. In light of the above, the proposal is most simply described as 'erection of a building for storage of agricultural machinery'. I do not consider any parties would have been prejudiced due to this refinement of the description.
6. The Council's decision notice references plans as 'submitted 08/10/2020'. However, the plans themselves do not have individual reference numbers or include reference to that date. Nevertheless, from the evidence before me I am satisfied that the 'Site Plan submitted 08/10/2020' is the proposed site plan at Scale 1:1250, together with an attached proposed layout plan, both showing the proposed storage building adjoining the north east elevation of the barn. Similarly, I am satisfied that the 'Elevation and floor plans submitted 08/10/2020' is the plan dated '12th September 2020'. This also shows the proposed outbuilding adjoining the north east elevation of the barn.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

8. The vicinity of the site has a rural feel, comprising a patchwork of fields and woodland in an undulating landscape, with small clusters of houses and agricultural buildings. It is dissected by country lanes, with public rights of way to the north and south of the site. The site is located at a road junction such that it is bordered by the road on two sides, separated by hedges. Neighbouring houses are visible over hedges on one side, and an area of trees separates the site from its neighbour on the other side. The land slopes away to the rear of the building where it adjoins fields, mature vegetation and trees.
9. The existing dwelling is a modern, corrugated metal clad barn, converted for residential use. As such it retains a functional, agricultural character, in keeping with the rural character of the area. Consequently, from the surrounding area, including the public right of way to the north, the barn and site as a whole appears in agricultural use, its residential use only becoming apparent on closer inspection.
10. The extent to which the proposed building would be visible from its surroundings, in particular the road and public right of way to the north, would be minimised by its single storey appearance, not exceeding the eaves height of the existing barn. It would consequently appear subservient to it. The use of materials to match the existing building and substantial doors on its northern elevation would be in line with the functional appearance of the barn. In any views from the surrounding area, the proposed building would appear as a natural extension to the existing barn, and of a style that is in keeping with the agricultural character of the wider site and surrounding area.

11. In the scheme before me, the proposed building is to provide storage for the appellant's tractor and other associated machinery required for maintenance of the land that remains in agricultural use surrounding the barn. Although the footprint of built development on site would increase, the extent of land in residential use would not. There is no substantive evidence before me as to whether incorporating storage within the barn was considered at the time of the Prior Approval. Nevertheless, the barn having been converted for residential use, it could not now reasonably accommodate storage of large agricultural machinery. I accept that the barn may be subject to restrictions relating to its future permitted development rights, however no robust evidence is before me to suggest there are any restrictions that would prevent the current appeal scheme being delivered.
12. Principle 1 of Core Policy CP15 of the Local Plan³, supports proposals that are outside settlement limits where they are essential to maintaining or enhancing a sustainable farming or forestry enterprise. The use of the site has characteristics akin to sustainable farming albeit on a small scale. For example, at the time of my visit, sheep were grazing to the rear of the plot, and evidence before me references activities such as planting and maintaining hedges around the site and growing fruit and nut trees. Such work could reasonably require larger machinery than might be used in a residential garden, even accepting that the site as a whole is not exceptionally large for an agricultural field. It is therefore reasonable to conclude that the ability to store machinery associated with those activities in a secure, dry location is an essential part of being able to undertake them.
13. Whilst not a commercial farming business, the policy wording does not specify the size or scale of the farming necessary to satisfy principle 1, nor that it must be profitable. Consequently, I find that the proposal would accord with principle 1 of Core Policy CP15 of the Local Plan, in supporting the continued agricultural farming activities on site. It would not conflict with any of the subsequent criteria which are to be satisfied if such proposals are to be permitted in the countryside. This includes that the proposal does not lead to excessive encroachment or expansion of development away from the original building (criterion ii), and does not result in an inappropriate increase in the scale, form or footprint of the original building (criterion iv). The location of the storage building adjoining the barn, set back from site boundaries and the northern elevation of the barn, would result in a development that does not appear unduly prominent or cramped. The use of materials in keeping with the existing building, would limit its effects on the surrounding area and enable large machinery, such as the tractor, to be stored out of sight.
14. I therefore conclude that the proposal would not harm the character and appearance of the area. Consequently, it would accord with Core Policy CP14 of the Local Plan which, amongst other matters, supports proposals that achieve an appropriate design and appearance, integrate with their surroundings, and protect, conserve and enhance the built and natural environment. It would similarly accord with Policy ES7 of the Local Plan which, amongst other matters, seeks to ensure proposals conserve or enhance landscape character. Further, it would accord with Core Policy CP15 as a whole and would not harm its policy aims of protecting the identity of settlements and the quality of the countryside. Similarly, it would not conflict with the overarching aims of the

³ Stroud District Local Plan (2015)

Stroud District Landscape Assessment SPG⁴ which provides guidance, amongst other things, on key features of the landscape character and its sensitivity to change.

Conclusion and Conditions

15. For the above reasons, having considered the development plan as a whole, the approach in the Framework⁵ and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.
16. The Council suggested conditions in the event the appeal is successful, and I have considered these and amended them as necessary, without altering their meaning, in light of the Framework and Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. In order to minimise disruption to adjacent residents I have included a condition restricting the hours of working on site during the period of construction. I have omitted a suggested condition restricting the use of the building to purposes incidental to enjoyment of the dwelling, as that restriction would not be necessary on the basis of the scheme before me. Given the amended description of development, I do not consider a condition restricting the use of the building to storage of agricultural machinery would be necessary.

Rachel Hall

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan submitted 08/10/2020; Elevation and Floor Plans submitted 08/10/2020.
- 3) Construction works shall take place only between the hours 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

⁴ Stroud District Landscape Assessment Supplementary Planning Guidance (2000)

⁵ National Planning Policy Framework (2021)