
Appeal Decision

Site Visit made on 3 August 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/P1940/W/21/3272368

Land at Red Lion Lane, Sarratt

- 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 Ken Baker against the decision of Three Rivers District Council.
 - The application Ref 20/2802/FUL, dated 23 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is erection of a multi-purpose agricultural barn.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal, the Government published the National Planning Policy Framework 2021 (the Framework). I sought comments from the main parties with regards to this matter and, where these have been received, I have considered them in determining the appeal.
3. During the application process, the appellant provided amended drawings to the Council. The Council, however decided the application on the drawings that were originally submitted. Prior to submitting the appeal, the appellant sent the Council further revised plans and has asked that I take them into consideration. Appendix M of the Procedural Guide: Planning appeals – England (2021) states that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. The revised drawings show the proposed barn with the same footprint and eaves and ridge height, although the roof form is changed. As a consequence, I am of the view that to accept the revised plans would deprive those who should have been consulted on it, the opportunity of such consultation. Therefore, taking into account the principle established by the Courts in *Wheatcroft*¹, I shall determine the appeal on the same plans that the Council reached their decision.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and,

¹ *Bernard Wheatcroft Ltd v SSE* [JPL ,1982, P37]

- The effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

5. Policy CP11 of the Local Development Framework Core Strategy (2011) (CS) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 of the Local Plan Development Management Policies Local Development Document (2013) (DMP) states that within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.
6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate with a limited number of exceptions. This includes at Paragraph 149 a) buildings for agriculture and forestry.
7. The proposed barn would include areas for straw and hay storage as well as a lambing shed and internal passages. The Council consider that these areas would be necessary for agricultural purposes, and having assessed this matter I see no reason to disagree. The main point of contention, therefore, relates to the section of the proposed barn that would be used as a machinery store and workshop. This would cover over half of the main section of the barn in terms of its footprint.
8. The description of development, as set out in the banner header above, is for the erection of a multi-purpose agricultural barn. Such a development could reasonably include space for agricultural machinery and equipment to be stored. Equally, a workshop could reasonably be considered to be an area where such machinery could be maintained or where work could be carried out to support the agricultural use of the appeal site. As such, I consider that the proposed barn would, in its entirety, be used for an agricultural purpose.
9. With regards to the size of the proposed barn, the Framework does not set out any limiting criteria to size or any other matters. Consequently, whether a building would meet the exception set out at Paragraph 149 a) of the Framework is not determined by its size. Taking this into account, the proposal would not amount to inappropriate development in the Green Belt. It would comply with the development plan policies that I have cited above as well as the Framework.
10. Taking the above into account, there is no reason for me to consider the effect of the proposal on the openness of the Green Belt. This is because impact on openness is implicitly taken into account in the exceptions at Paragraph 149 of the Framework unless there is a specific requirement to consider the actual effect on openness.

Character and appearance

11. The appeal site is in a rural location to the north/north east of Sarratt. It is surrounded by open countryside and a wooded area to the north and east. The

proposed barn would be located at the bottom of a sloping site which sits at the junction of four country lanes. The appeal site is screened by vegetation and trees of varying depth and height along both its north/north west and east boundaries. However, where the appeal site accesses Red Lion Lane and in the vicinity of this area, clear views of the site and surrounding countryside are readily available.

12. The main section of the proposed barn would have a footprint of 19 metres by 9 metres. The eaves would be 3.6 metres high and the overall ridge height would be 6 metres. A gabled projection is proposed to the south west elevation that would measure 6 metres by 3 metres in terms of floor area and would have an overall height equal to the main ridge. These measurements have been taken from the drawings submitted with the application. The Council's uncontested evidence is that the proposed barn would have an overall width of approximately 11.7 metres including the gabled projection and a depth of 18.5 metres as opposed to 19 metres.
13. Even if I were to accept the Council's measurements, the proposal would, as a result of its siting, size, scale, and height appear as an unduly prominent and incongruous form of development in this rural area. This would be exacerbated by the scale of the projecting gable element, which would add further bulk to the building. Although it would be located at the lowest point of the appeal site, it would be highly visible from the area around the aforementioned junction, as well as from the adjacent fields. Further, while the existing vegetation along the boundaries would provide some degree of screening, the proposed barn would likely to be visible above this in some areas. Consequently, I find that the proposal would unacceptably dominate the immediate landscape. In reaching this conclusion, I note that there is an electricity pylon on the site and others beyond it. However, their presence does not justify the unacceptable development proposed.
14. I conclude that the proposal would cause harm to the character and appearance of the area. There would be conflict with CS Policies CP1 and CP12. These seek, among other matters, to promote buildings of a high design quality that respect local distinctiveness and that development proposals have regard to local context and conserve or enhance the character and quality of an area. There would also be conflict with the overarching aims of the Framework.

Other Matters

15. The appellant suggests that approximately 95% of the building materials that would be used in the construction of the barn would be recycled, with additional materials sourced locally. While I have had regard to this matter, it would not overcome the harm that I have identified and does not justify the unacceptable development proposed.
16. The appellant also suggests that the barn would have an attractive appearance and would be cost effective for them to construct. He would also prefer to look out onto the proposed barn rather than a steel portal barn. The proposed materials would have a traditional appearance and, in isolation, could be considered attractive. However, the overall appearance of the barn would be unacceptable for the reasons I have set out above. Moreover, cost effectiveness and the personal preferences of the appellant are principally private matters and I afford these matters no more than very limited weight.

17. I am advised by the appellant that rural crime is rising in the area and that he has experienced two accounts of criminal activity at the appeal site. I am also advised that he has no access to alternative barns and that he considers the current outside storage of materials and machinery unsightly. I have not been provided with details that demonstrates that rural crime is a particular issue in the area. Further, I consider that the appellant's lack of access to alternative barns, the open storage and reports of criminal activities at the appeal site are not compelling reasons to justify the proposed development. While the proposal may resolve these matters on behalf of the appellant, its unacceptable effects would remain long after this has been achieved.
18. The appellant indicates that the scale of the proposed barn was calculated using standard data from the Agricultural Budgeting and Costings Book. While extracts have been provided, I do not have a full copy of this document before me. In any case, any development proposal requires a determination to be made in respect of its planning impacts. In this case, I have found the proposal to be unacceptable for the reasons that I have set out.
19. I have been referred to the planning permission in respect of the erection of an agricultural barn for storage of agricultural machinery at Highfield². However, I do not have the full details of that development before me, so I am unable to fully consider how it might compare with the appeal proposal. Moreover, that planning permission pre-dates the CS, DMP and the Framework, so was considered within a different policy environment. I am also advised that there are a number of traditional barns of similar design to the proposal within a 5 mile radius. Again, I do not have full details of those developments, including their locations, and only photographs of the barns have been provided. I am mindful, also, that each case must be considered on its own merits and that these developments, as with the barn at Highfield, will be likely to be viewed in a different context to the appeal proposal. Their presence adds little weight to the appellant's case.
20. Given the location of the proposed barn relative to neighbouring dwellings, the proposal would cause no harm to the living conditions for their occupants. I note that the Council have reached the same conclusion. Nevertheless, the absence of harm in this respect is a neutral factor in my overall considerations.
21. The appellant also advises that he has undertaken additional planting surrounding the site to thicken the existing hedges. However, given the size, scale and height of the proposed barn, such planting is unlikely to be sufficient to adequately screen the proposal to mitigate the harm that I have identified.

Conclusion

22. The proposal would not be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. However, the absence of harm in this respect is a neutral factor in my overall considerations. Moreover, the proposal would cause harm to the character and appearance of the area and I attribute significant weight to that harm.

² 10/1543/FUL, dated 6 October 2010.

23. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR