The Planning Inspectorate

Appeal Decision

Site visit made on 27 July 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/C3240/C/21/3270668
Pave Lane Farm, Pitchcroft Lane, Woodcote, Newport, Shropshire TF10 9AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Michael Bubb against an enforcement notice issued by Telford and Wrekin Council.
- The enforcement notice, numbered ENF/2020/0551, was issued on 16 February 2021.
- The breach of planning control as alleged in the notice is *without planning permission, the unauthorised creation of one window opening and one door opening in the south west elevation of an agricultural building.*
- The requirements of the notice are:
  1. Remove the brick headers installed above the one window opening and one door opening on the south west elevation of the building
  2. Infill both the one window opening and one door opening on the south west elevation of the building using bricks to match the existing, and ensure the bricks are laid with the same bond and mortar to match the existing.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended (the 1990 Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.

Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matter

2. Since the submission of the appeal a revised version of the National Planning Policy Framework was issued. I have considered the development in the light of this revised document, having first given the parties an opportunity to comment on its content.

The appeal on ground (a) and the deemed planning application

Main Issue

3. This is the effect of the development on the character and appearance of the traditional agricultural building within the rural landscape.

Reasons

4. The appeal building is a modest brick-built traditional agricultural building under a clay tile roof. Works have occurred to implement planning permission[1] for "reinstatement of the existing agricultural building including re-roofing, additional opening and increase in existing opening on the north-west elevation (part retrospective)". The works were required due to the building being in a state of disrepair and in danger of partial collapse.

5. The building is situated in the corner of a large agricultural field which, at the time of my visit was in crop production. To the side of the building is a smaller brick-built storage building and both buildings adjoin a high brick wall which is within the ownership of the neighbouring residential property. There is no formal vehicular or pedestrian access to the building. The immediate area surrounding the appeal building to the south consists of residential properties, traditional rural buildings which have been converted to residential accommodation, a public house and a commercial premise with several large portal frame buildings. The appeal building, originally used for stabling barge-pulling ponies and then later as a cowshed, has a basic traditional charm due to its materials and design. Combined with the adjacent lower level building, the simple traditional form of the buildings contributes to the character of the local rural area.

6. The recent planning consent granted approval for a new opening at ground level and an increase in size of the opening directly above in the northwest gable end. The openings which are the subject of the enforcement notice have been created within the southwest elevation where there were previously none. The doorway and window were boarded up at the time of my visit, but I was able to see the arch detailing above one of the new openings.

7. From the available information it seems that the proposed use of the building is for the storage of higher value, smaller agricultural items. The appellant provides that the additional openings were created to allow more natural light into the building and ensure that it could be used effectively for agricultural use. However, it seems to me that the insertion of further openings in this small building, which already benefits from a new sizeable opening and a significantly enlarged opening above on the gable end would not be entirely necessary for the stated storage purposes. Furthermore, providing more openings could reduce the available storage space within the building and provide increased opportunities for the building's security to be breached.

8. The provision of new openings within the former blank elevation detracts from the simplicity of the original stable and adjoining barn, undermining its understated rustic form, and adding to a loss to its historic fabric. Without any evidence to persuade me otherwise, the functioning of the building for its existing agricultural use would not be impeded by the absence of openings in the southwest elevation.

9. As part of the appeal the appellant considered the removal of the brick headers to be unnecessary suggesting that this feature is traditional within the historical setting of the 19th Century canal basin. Furthermore, they suggest that the openings could be blocked using tin sheeting instead which, they say, are both commonly used on agricultural buildings and thus would not detract from its

[1] TWC/2020/0973 granted 22/12/2020

agricultural nature. I am also informed that the supply of original bricks has been exhausted and there are no original bricks available to block the openings.

10. The council does not consider tin sheeting to be an acceptable alternative particularly as the appellant's original intention was to restore the building and, as such, the introduction of tin sheeting would detract from this and would fail to enhance the appearance of the building. Furthermore, the use of tin sheeting would be at odds with the intended use of secure storage and would fail to provide a secure environment.

11. In relation to the requirement to remove the brick headers, the council contend that such decorative details are more akin to domestic buildings as opposed to an agricultural storage unit and would not be in keeping with its rural heritage. Although I do not necessarily agree with the Council on this point, particularly as the original front elevation of the building displays similar decorative detailing above the openings, as the requirement is to infill the openings that were not originally part of the building, leaving them in situ would not reflect the building's original form.

12. Generally, traditional agricultural buildings have fewer openings rather than multiple and although I concur with the appellant that the openings do not alter the use of the building, they do affect the appearance of the former stable. The additional openings give the building a more domesticated feel as opposed to that of an agricultural building. As such, the unauthorised alterations undermine the agricultural character of the building and therefore are contrary to Policy BE1 of the Telford & Wrekin Local Plan and guidance within the National Planning Policy Framework which require development to respect and respond positively to its context and enhance the quality of the local built and natural environment, and to make a positive contribution to local character and distinctiveness.

Conclusion on ground (a)

13. The development harms the character and appearance of the agricultural building and conflicts with the development plan taken as a whole. There are no material considerations that indicate the deemed application should be determined other than in accordance with the development plan. For the reasons given above I therefore conclude that the appeal on ground (a) should not succeed and I shall refuse to grant planning permission on the deemed application.

The appeal on ground (f)

14. An appeal on ground (f) is that the steps to be taken, as required by the notice, exceed what is necessary to achieve the purpose of the notice. The purposes of an enforcement notice are set out in s173 of the 1990 Act and are to remedy the breach of planning control[2] or to remedy injury to amenity[3]. Reading the notice as a whole, the purpose of the notice is to remedy the breach of planning control.

15. I have already considered the alternatives put forward under ground (a) and found them to be unacceptable. Given that the requirements go no further than

[2] s173(4)(a)
[3] s173(4)(b)

simply requiring the appellant to undo what has been done, by complying with part 5 of the notice, the requirements self-evidently cannot exceed what is necessary to fully remedy the breach of planning control. Allowing the openings to remain, even if they were to be covered with tin sheeting, would not fully remedy the breach.

16. There are no lesser steps that would achieve the statutory purpose behind the notices. Accordingly, the appeal on ground (f) fails.

S A Hanson

INSPECTOR