
Appeal Decision

Site visit made on 28 September 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/A2335/W/21/3275910

Agricultural Land 100 metres to the North of 72 Beech Road, Halton with Aughton, Lancaster, LA2 6QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Malcolm Larton against the decision of Lancaster City Council.
 - The application Ref 20/01441/AD, dated 17 December 2020, was refused by notice dated 13 January 2021.
 - The development proposed is a storage building for agricultural machinery.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework 2021 (the Framework) has been published since the appeal was lodged. I am satisfied that my considering the revisions to the Framework would not prejudice the positions of the parties in respect of the issues raised in this appeal, insofar as it is relevant to the development proposed and prior approval matters, so it has not been necessary to seek further comments on this change.
3. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) enables as permitted development the erection of a building reasonably necessary for the purposes of agriculture, subject to certain limitations and conditions. Condition A.2(2)(i) is that, before beginning the development, an application must be made to the local planning authority for a determination as to whether their prior approval will be required in respect of 'the siting, design and external appearance of the building'. In that context my decision turns on those matters.

Main Issue

4. The main issue is the effect of the proposed building on the character and appearance of the area having regard to its siting, design and external appearance.

Reasons

5. The appeal site is small parcel of land within a larger expanse of fields located to the rear of residential properties on Beech Road. The fields are lined by mature trees and hedges and due to the topography of the land, which rises steeply towards the M6 motorway to the northwest, the land is prominent from the residential areas below forming a pleasant and verdant backdrop to the area. The parcel of land proposed to accommodate the building is enclosed by trees and hedgerows to three sides. Although no elevation plans are included in the application documents, the application form specifies that the proposed building would be 11m in length, 6m in width with a total height to the ridge of 3.2 metres. The walls and roof would be constructed of dark green coloured steel.
6. The 'Boundary Plan' supporting the proposal is, however, at such a low resolution and imprecise that it is unclear how close the building would come to nearby trees or their root systems (or indeed whether the scale of the building shown matches the foregoing dimensions). I understand it is the intention of the appellant to retain the nearby hedges and trees which would serve as screening. However, from my own observations on the site visit, and the measurements given for the building, it would likely be in very close proximity to these trees and their roots on all sides. This would be compounded by the likely need for excavations to level the land which is steeply inclined and hardstanding the support the weight of the structure.
7. Trees lining the field boundaries clearly add to the visual amenity of the area. In this case, any risk to the health of the trees would be a direct result of the siting of the building in such close proximity. Loss of trees from this location would have a detrimental impact on the character and appearance of the area, and there is no robust evidence as to why this location, as opposed to any other, is preferable with reference to the operational needs of the agricultural unit (notwithstanding a steeper incline elsewhere within the appellant's land). Without substantive evidence to the contrary regarding potential effects on trees, to my mind there is a clear risk that the building would result in harm to these trees and consequently result in material harm to the character and appearance of the area.
8. Nevertheless, the design and external appearance would not be wholly uncharacteristic of an agricultural building. Steel is not an uncommon material for this purpose, while the dark green colour would mean the building would integrate into its new surroundings set against this verdant backdrop. The position would be close to the brow of the hill, although the height of the building is not excessive. Notwithstanding my views on the risk to the health of nearby trees, I see no reason why an agricultural building in this position would be seen as an unduly prominent, intrusive or incongruous feature when viewed from longer distances such as Beech Road. There would be some loss of the open and undeveloped character of the site and the woodland setting, although the building would take up a relatively small area in wider views.
9. Notwithstanding the lack of harm with regards to external appearance and design, and to conclude, without substantive evidence to the contrary, there is a clear risk that the development would result in harm to nearby trees. If that were to occur, that would result in material harm to the character and appearance of the area. The siting of the proposed building would therefore be

unacceptable. I note that paragraph 130(c) of the Framework sets out how development should be sympathetic to local character, including in respect of landscape setting

Other Matters

10. I note that no objections have been made by third parties or the local Parish Council. However, a lack of objections is not determinative and does not outweigh the harm that would result.

Conclusion

11. For the reasons given above, I conclude that the proposal would not be acceptable with respect to its siting, although I have found no harm with regards to its design and external appearance. The appeal is therefore dismissed.

C McDonagh

INSPECTOR