



Appeal Decision

Site Visit made on 2 November 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2021

Appeal Ref: APP/J1860/W/21/3275583

Cobblers Corner Farm, Ankerdine Road, Broadwas, Worcester

- 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.
 - The appeal is made by Keith Cattell against the decision of Malvern Hills District Council.
 - The application Ref 21/00328/AGR, dated 22 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is an agricultural prefab building.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO') for an agricultural prefab building at Cobblers Corner Farm, Ankerdine Road, Broadwas, Worcester, in accordance with the details submitted pursuant to Schedule 2, Part 6, Class A, paragraph A.2.(2) of the GPDO via application Ref 21/00328/AGR, dated 22 February 2021.

Preliminary Matters

2. The appeal site comprises an agricultural field known as Cobblers Corner Farm. A separate field at Crabtree Orchard is understood to be in the same ownership as the appeal site and thus forms part of the same agricultural unit of greater than five hectares in total ('the agricultural unit'). I have determined the appeal on that basis.
3. For clarity, the site address used in the heading above is taken from the appeal form as the original planning application form only stated the name of the farm and grid reference.
4. The site has prior approval for an agricultural building that was granted at appeal in February 2019 ('the existing prior approval') but has not yet been constructed. That related to a proposed building further to the west of the site. A separate prior approval scheme was dismissed at appeal in May 2019 ('the dismissed prior approval') and related to a proposed agricultural building located closer to the highway.
5. The appellant prepared revised plans in seeking to address the Council's concerns, including in respect of building access for livestock. For example, the plan titled 'mod 5-2' has been revised to alter the size of one of the doors. However, the revised door and its location on the elevation is unclear. A number of the other revised elevations are also unclear (notably plan Nos 2, 3 and 5). In the interests of clarity, I have determined the appeal based on the

original, rather than revised plans. Accordingly, the following plan references are excluded from the prior approval: mod 1 001; mod 2 001, mod 3 002, mod 4 001, mod 5 001, mod 5-2 001; mod 6 001.

6. I have had full regard to relevant case law¹, as highlighted by the Council, in light of which I must determine whether the proposed development complies with the applicable conditions and limitations of the GPDO and therefore whether or not the proposal would be permitted development.

Main Issues

7. The main issues are:

- whether or not it has been demonstrated that the proposal would be permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO'); and
- the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to siting, design and external appearance.

Reasons

Whether or not the proposal would be permitted development

8. Under Schedule 2, Part 6, Class A of the GPDO, the proposal must be reasonably necessary for the purposes of agriculture. The building is proposed to meet a range of storage requirements associated with maintaining the land and livestock, as well as housing livestock on a temporary basis. The appellant has indicated a pressing need for this during construction of the existing prior approval scheme. Whether or not Cobblers Corner Farm is only used for storage and grazing alpaca or is also used to accommodate some low risk pregnant alpaca, I see no reason to doubt that the proposal would be reasonably necessary for the purposes of agriculture within this agricultural unit.
9. I note the existing prior approval scheme could be constructed on this site and that there may be an existing storage building at Crabtree Orchard, providing storage and livestock accommodation for a total agricultural unit of approximately eight hectares. However, given the plans for expansion of the business, including increasing the number of animals across the agricultural unit, I am satisfied that the proposal is reasonably necessary for the purposes of agriculture both in the short term and in the event that the existing prior approval scheme is completed.
10. To comply with paragraph A.1.(c) of the GPDO, it must be demonstrated that the proposal is designed for agricultural purposes. It would be constructed from a mix of timber, block and steel, with a box sheet metal roof and would have the general appearance and scale typical of an agricultural building. The plans show a door that appears to be of a domestic scale rather than one that would be suitable for animals. Nevertheless, the proposal also includes a larger door suitable for tractor and machinery storage. It would not be unreasonable for that door to also enable livestock to access the building. In any event, it is

¹ *New World Payphones Ltd v Westminster City Council* [2019] EWCA Civ 2250; *R (oao Smolas) v Herefordshire Council* [2021] EWHC 1663 (Admin)

apparent that the building is designed for the types of agricultural activity that might reasonably be conducted on this site.

11. The proposal is located within 400m of a protected building, and on the evidence before me there is currently no other suitable building available to accommodate the livestock that is 400m or more from the protected building. Accordingly, paragraph D.1.(3) of Class 6 of the GPDO limits the circumstances under which livestock can be accommodated. This includes to address quarantine requirements (under (b)(i)), or temporary accommodation for when livestock are sick, giving birth or newly born, or requiring shelter against extreme weather conditions (under (b)(ii)). More permanent accommodation would therefore be precluded.
12. I note the report by Kernon Countryside Consultants Limited (September 2019) indicating issues specific to rearing alpaca and the need for an on site residential presence. However, evidence before me also indicates that the agricultural unit would be managed such that only very low risk animals, requiring lower level intervention, would be accommodated here. Moreover, although there would be no residential accommodation on site, one of the parties involved in running the agricultural unit is stated as living within a five minute drive of this site. As such, whilst obligations under the Animal Welfare Act 2006 are outside the remit of this decision, no robust evidence is before me to suggest that the proposal would be used to accommodate livestock on a more than temporary basis. It would thus comply with the limitation in paragraph D.1.(3).
13. Concluding on this matter as a whole, it has been demonstrated that the proposal would be permitted development under Schedule 2, Part 6, Class A of the GPDO.

Character and appearance

14. The appeal site comprises a relatively large field, bound by hedging and with an area of woodland adjacent to its western corner. Evergreen trees have been planted within the field that adjoins the site to the east and a mature hedge bounds the site adjacent to Ankerdine Road (the road). The surrounding countryside is defined by its rural character with relatively open, flat fields, the presence of boundary hedges and trees, and some isolated and small clusters of dwellings that are visible from the road.
15. The proposal would be in a more visible position than the existing prior approval scheme, which would be sheltered by the adjacent wooded area. The proposal would also be a standalone building rather than part of a group of similar buildings. However, the visual impact of the proposal would be mitigated by its location set back some considerable distance from the road. As such, it would not be unduly intrusive in views from the road. This, combined with the size of the building relative to the expansive field, would mean it would not appear unduly prominent from surrounding land.
16. The mature boundary hedge along the road would also help screen views of the building to an extent. Located towards a field boundary, it would be seen against a backdrop of existing trees rather than in an entirely exposed location. Moreover, the significant degree of separation between the proposal and the existing prior approval scheme would avoid the impression of clutter on completion of both buildings.

17. The height of the proposal stated as 5.5m to ridge, would be noticeably lower than the 7m height to ridge proposed in the dismissed prior approval scheme, particularly taking into account the current proposal for a split height roof. The lower side of the roof would be closest to the road, further limiting its perceived scale from there. As reasoned above, the materials and general appearance of the barn would be appropriate for an agricultural building and consequently would not appear out of keeping in its rural location.
18. I have had regard to the Inspector's reasoning on the dismissed prior approval scheme and attach significant weight to that decision. However, due to the notable reduction in building height and revised location of the scheme before me, this would not indicate that this appeal should be dismissed.
19. I conclude that its siting, design and external appearance would not unacceptably harm the character and appearance of the surrounding area. Consequently, it would accord with Policy SWDP21 of the South Worcestershire Development Plan ('Development Plan') (February 2016) which, amongst other matters, seeks to ensure proposals achieve a high quality of design and integrate effectively with their surroundings. It would similarly accord with Policy SWDP25 of the Development Plan which seeks to ensure proposals integrate with the character of the landscape setting.

Other Matters

20. The Council has raised doubts over the requirement for the building to be located towards the east of the site to avoid livestock being disturbed by construction noise. However, on the basis that the proposal could only be used to accommodate livestock in the terms of D.1.(3) of the GPDO, on such occasions, it would logically be less noisy in a building on the eastern part of the site. Livestock would otherwise be kept outdoors and their grazing within the site would need to be managed accordingly to minimise their disturbance. Comments in respect of the timing of construction relative to the introduction of livestock to the site do not materially alter my reasoning.

Conditions

21. For the avoidance of doubt, Schedule 2, Part 6, Class A paragraph A.2.(2)(vi)(bb) specifies that, other than where approval has been given by the local planning authority, the development must be carried out within a period of 5 years from the date on which the local planning authority were provided with the information referred to in paragraph A.2.(2)(d)(ii) of that Class. This date is stated on the Council's decision notice in respect of application Ref 21/00328/AGR to be 23 February 2021.

Conclusion

22. For the reasons given, I conclude that the proposal would be permitted development and would be acceptable with respect to siting, design and external appearance. The appeal should therefore be allowed and prior approval is granted.

Rachel Hall

INSPECTOR