



Appeal Decision

Site visit made on 15 February 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/F2360/W/21/3281022

Lynbrook, Dob Lane, Walmer Bridge, Little Hoole PR4 4SU

- 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 and Mrs Leon Sutton against the decision of South Ribble Borough Council.
 - The application Ref 07/2021/00559/FUL, dated 10 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is the installation of an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development applied for has been carried out. I have used the Council's description of the development proposed in the bullet header above as it more accurately describes the development than the description provided in the application forms. However, I have omitted the words 'retrospective' and 'amended description' as they are superfluous and not acts of development. I have also removed the reference to hardstanding as there is no evidence to demonstrate that this was under consideration as a part of the proposal in the Council's delegated planning officer report.
3. The appellants state that they originally applied for prior approval under the provisions of Article 3(1) and Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for an agricultural building, and that the development conforms with these requirements. However, prior approval cannot be granted for development that has already begun.
4. The main parties disagree about the extent of the curtilage area associated with Lynbrook. Nonetheless, the lawful use of this land is not a matter for me to consider within the context of this appeal. It is open to the appellants to apply for a determination under sections 191/192 of the Town and Country Planning Act 1990 (the Act) to determine this matter, and any such application would be unaffected by my determination of this appeal.

Main Issues

5. The main issues are:
 - (i) Whether the development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;

- (ii) The effect of the development on the openness of the Green Belt, and the character and appearance of the surrounding area;
- (iii) If the development is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

- 6. The appeal relates to a large, detached metal clad building with a profile metal sheet roof and polycarbonate roof lights. The appellants argue that this is an agricultural building. It is sited to the rear of Lynbrook, adjacent to a number of other detached buildings, a hard surfaced yard area and an open field.
- 7. Access to this area is provided via a track that runs in between Lynbrook, a detached dwelling house, and a single storey detached garage, off Dob Lane. Although there are some houses and buildings in the locality, the surrounding area is rural, characterised by open fields, mature hedgerows and trees.
- 8. Policy G1 of the South Ribble Borough Council Local Plan (2012-2026) 2015 (Local Plan) states that within the Green Belt planning permission will not be given, except in very special circumstances, for the construction of new buildings unless it is for certain exceptions. These reflect those listed in paragraph 149 of the National Planning Policy Framework (the Framework) and include buildings for agriculture and forestry.
- 9. I appreciate that the requirement in the GPDO (Part 6, Classes A and B - 'Agricultural and Forestry') is that buildings and other works must be 'reasonably necessary for the purposes of agriculture within that unit'. However, this relates solely to the consideration of whether a proposal would be permitted development. It is not relevant when considering the merits of an appeal which relates to an application for planning permission for an agricultural building in the Green Belt. Such a proposal should therefore generally be determined as applied for unless the evidence firmly indicates that it would not be or is not a building for agriculture or forestry.
- 10. The definition of agriculture under Section 336 (1) of the Act includes 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'.
- 11. The appellants state that the unit produces hay and straw and requires suitable storage for this crop to sell off during the winter months. They contend that the development is also necessary to house machinery and equipment and that it is used for the purposes of an agricultural trade or business. However, it is uncontested between the main parties that the last known use of this part of the site was as a commercial cattery. Moreover, it is the case that for a new building to be considered as an agricultural building, so as to benefit as an

exception to paragraph 149, it must be a building that has been designed for agricultural purposes. This is supported by long established case law in *Belmont Farm Ltd v MHLG* [1962].

12. Nonetheless, as the building is essentially a solid weathertight structure with few sources of continuous ventilation, there is unlikely to be a large circulation of air throughout the interior. Accordingly, in practice the building is unlikely to provide the sort of well-ventilated internal space which might usually be considered suitable for the storage of hay. I am also mindful that the independent agricultural consultant reached a similar view on this matter in its consultation response to the planning application.
13. Furthermore, at the time of my site visit I saw that the building was being used to store a digger, two tractors and a quad bike, along with some window frames, other domestic tools, garden equipment and furniture. Photographs taken by the Council on earlier inspections of the site also do not show any storage of hay, but mainly domestic equipment and paraphernalia.
14. Given the size of the adjacent field, it is also questionable, whether a building of such a size and scale is required. The appellants argue that the Council's measurements in respect of the application site are inaccurate and has suggested that it is closer to 5 acres rather than the 1.23 acres (0.5 hectares) that the independent agricultural consultant has based his assessment on. However, given the uncertainty about the lawful use of the land on the site, the size of the holding is unclear. Moreover, the red edge of the application site includes a modest amount of land that appears to be more consistent with the Council's measurements and the appellants have provided little conclusive evidence to substantiate their figures or indicate where any additional land may be.
15. On the basis of the available evidence, I am therefore unable to be certain that the scale and design of the building has been erected for agricultural purposes and that it is a building for agriculture. Accordingly, the development cannot be regarded as benefitting from the exception for agricultural buildings in the Green Belt, or fall within any other exceptions stated in paragraph 149 of the Framework. It therefore amounts to inappropriate development that is, by definition, harmful to the Green Belt.

Openness

16. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
17. The appellants have put forward that some cattery buildings on the site, measuring approximately 54 metres² have been demolished. However, there is no conclusive evidence to substantiate this or to sufficiently demonstrate the overall size and scale of these buildings. The pre-existing buildings at the site which may have been subsequently demolished therefore cannot legitimately form part of the baseline for the purposes of an assessment of impact on Green Belt openness in this instance.
18. Moreover, the footprint of the development significantly exceeds the 54 metre² measurement. My site observations also confirmed that whilst the majority of

the views of the development from the public domain are filtered by tall mature trees, its form, bulk and massing is still visible from Lynbrook and within the site, and results in development where there was previously none. As a result, this has reduced the openness of the Green Belt in both visual and spatial terms.

19. Such harm to openness, in the context of the policies of the Framework, requires that substantial weight be apportioned to it when considered in the planning balance.

Other Considerations

20. The appellants' have raised concerns about the Council's consideration of this development. In particular, they have referred to the request to change the type of application, inaccuracies in the enforcement letter regarding the size of the building and the hardstanding, and the lack of consideration given to the planning history of the site. However, these matters have had no bearing on my determination of the appeal as I have only had regard to the planning merits of the case, on the basis of the evidence that is before me. As such, these factors are neutral in the overall Green Belt balance.

Conclusion

21. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. The Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, it would also reduce the openness of the Green Belt. Therefore, even when taken together, the other considerations reviewed above do not clearly outweigh the harm that the proposal would cause. Consequently, there are not any very special circumstances that are necessary to justify inappropriate development in the Green Belt. As a result, the development fails to accord with Local Plan Policy G1 as set out above, and Section 13 of the Framework which seeks to protect Green Belt land.
22. The appeal scheme would therefore conflict with the development plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. As such, the appeal is dismissed.

Mark Caine

INSPECTOR