



Appeal Decision

Site visit made on 14 February 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/W1850/W/21/3282719

Church House Farm, Cinders Lane, Leysters, LEOMINSTER HR6 0HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 ROBERT BRYANT against the decision of Herefordshire Council.
 - The application Ref P211828/PA7, dated 20 April 2021, was refused by notice dated 1 June 2021.
 - The development proposed is the erection of a new agricultural barn.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of a new agricultural barn at Church House Farm, Cinders Lane, Leysters, LEOMINSTER HR6 0HR in accordance with the application P211828/PA7 made on 20 April 2021, and the details submitted with it including the location plan and plan titled 'proposed building details rev A', pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2(1).

Preliminary Matters

2. The Council refused the proposal partly on the basis that it would be contrary to policies within its development plan. Its Statement of Case has also added that it finds the proposal to be in conflict with policies ML11 and ML17 of the Middleton on the Hill Neighbourhood Development Plan 2018 (NP). However, the principle of development is established through the grant of permission by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Therefore, I have taken into account the provision of the development plan only so far as it relates to the relevant provisions of the GPDO.
3. Schedule 2, Part 6 of the GPDO is concerned with agricultural and forestry development.
4. Part 6, Class B relates to development on units of less than 5 hectares and does not allow for the erection of buildings. The Council determined that the agricultural unit was smaller than 5 hectares and deemed that the proposal did not meet paragraph B.5 2(a). This relates to the extension or alteration of a building.

5. Part 6, Class A of the GPDO relates to development that can be undertaken within an agricultural unit of 5 hectares or more. Class A(a) allows for the erection of a building which is reasonably necessary for the purpose of agriculture within that unit. Condition (2)(i), of paragraph A.2, includes the requirement for the developer to apply to the Local Planning Authority for a determination as to whether its prior approval would be required for the siting, design and external appearance of the agricultural building.

Main Issues

6. Consequently, the main issues are:
- Whether the agricultural unit is 5 hectares or more and should therefore be considered against Class A or B of part 6 of the GPDO, and
 - If it does meet the provisions of Class A whether it would amount to permitted development.

Reasons

Size of the agricultural unit

7. The appellant is an agricultural tenant who has sole tenancy of the land. The proposed barn would be within an agricultural unit. The appellant's evidence explains that when the agricultural unit was purchased it was surveyed and found to be 5.8 hectares. This has recently been demonstrated by the submission of a recent land survey¹. This survey shows a site area that is larger than the application plan. This includes additional land located alongside the field boundary marked as 'C-D' on the application plan. This discrepancy may explain, to some extent, why the Council found the agricultural unit to be around 4.8 hectares.
8. The application form shows that the agricultural unit as a whole is around 7.5 hectares. However, the appellant explains that the agricultural land is within a seven mile radius and has not indicated the proximity or size of each holding. With an absence of evidence, it is not possible to determine the relationship of the additional land to the agricultural unit as shown on the submitted location plan. These additional sites may be subject to substantial features of separation, such as roadways and third-party land. The evidence is therefore unconvincing in illustrating that the extra parcels would be part of the agricultural unit for the purpose of Class A.
9. Nevertheless, on the balance of probabilities, the evidence illustrates that the agricultural unit would exceed 5 hectares in consideration of the submitted survey, application form and supporting evidence. As such, Schedule 2, Part 6, Class A of the GPDO would be engaged.

Siting, design and external appearance

10. Church House Farm consists of a series of outbuildings and barns arranged around a loose courtyard setting adjacent to the main house. Materials mostly consist of stone and brick. The farm buildings are opposite the Church of St Andrew and a small group of neighbouring dwellings. The loosely grouped buildings have a traditional rural character and are set within the open countryside. The adjacent country lane continues past the farm and church to a

¹ The land App, survey produced 22/2/22

track beyond. The appeal site is within the corner of a field which slopes away from the site to the north and west and would be adjacent to this track. Due to its rural setting, the site makes a positive contribution to the open character of the surrounding area.

11. The proposed barn would be located on the highest part of the field. It would be clad in corrugated metal sheeting, with green walls and a grey roof. As such, the proposal would not be of a similar style or character of the traditional stone buildings in the immediate area. Nevertheless, it would be similar to the style of several barns within the local area with a relatively typical form and appearance.
12. The proposal would also be partially screened in views from adjacent buildings due to local tree screening, thus reducing its overall visual impact. The proposed barn would be visible from views to the west and north of the site, on land at a lower vantage. However, it would be largely read in context of the existing built form around the site. Moreover, by locating the proposed barn away from the existing barns, would prevent it from eroding the traditional rural charm of these buildings being a contemporary addition.
13. As a result, the siting, design and external appearance of the proposed barn would be acceptable within this context. Accordingly, the proposal would comply with paragraph A.1 and condition A.2 (2)(a) of the GPDO. Although not determinative to the proposal, the scheme would also accord with policies SD1, LD1 and SS6 of the Herefordshire Local Plan Core Strategy, policies M11 and M17 of the NP and the National Planning Policy Framework. These seek, among other matters, for development to maintain local distinctiveness and to be sympathetic to local character.

Conditions

14. Paragraph A.2.(2)(v), of part 6, requires the approved development to be carried out in accordance with the details provided and (vi) requires development to take place within five years from the date on which approval was granted. Furthermore, paragraph A.2(7) requires the developer to notify the Local Planning Authority within 7 days, of the date on which the development is substantially complete. As such, the conditions suggested by the Council are engaged through the provisions of the GPDO.

Conclusion

15. For the above reasons the appeal is allowed, and Prior Approval is granted.

B Plenty

INSPECTOR