



Appeal Decision

Site visit made on 1 February 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/W3330/W/21/3282779

Zine Farm, Zine, Stogursey TA5 1TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Sam Williams against the decision of Somerset West and Taunton Council.
 - The application Ref 3/32/21/012, dated 24 June 2021, was refused by notice dated 21 July 2021.
 - The development proposed is a cylinder grain silo made of curved corrugated steel.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 (1), Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 ('2015 GPDO') for the erection of a cylinder grain silo made of curved corrugated steel at Zine Farm, Zine, Stogursey TA5 1TL in accordance with the details submitted pursuant to Paragraph 2 (i) of the 2015 GPDO through application, Ref 3/32/21/012, dated 24 June 2021. The approval is subject to the standard conditions set out in sub-paragraph 2 (v) and (vi) of paragraph A.2 the 2015 GPDO.

Preliminary Matters

2. The proposal relates to works for the erection of a grain silo on land comprised in an agricultural unit in excess of 5 hectares. As such, the proposal falls to be considered with regards to Article 3 (1), Schedule 2, Part 6, Class A of the 2015 GPDO. Sub-paragraph 2 of paragraph A.2 requires, amongst other things, the developer to apply to the local planning authority for a determination as to whether the prior approval will be required for the siting, design and external appearance of the building. In this case the Council have raised no objections in respect of the design and external appearance. However, the Council are of the view that the proposed siting would have an unacceptable impact on the setting of the nearby listed building and that the silo would be located within an area of unacceptable flood risk and have refused prior approval accordingly.

Main Issues

1. Therefore, the main issues are whether the siting of the proposed development would be acceptable having regard to:
 - the setting of the listed buildings; and
 - flood risk.

Reasons

Listed building

2. Zine Farmhouse is a seventeenth century Grade II listed building. It is a substantial linear farmhouse under a tiled roof which is set well back from the road. There are later additions to the building on either end but neither detract from the clearly vernacular appearance of the farmhouse. Lean-to additions obscure much of the original rear wall of the farmhouse and sited directly to the rear of the house is a linear pair of barns constructed of stone, with a lean-to along the rear which faces onto a yard area.
3. The listed building derives its significance from its agricultural origins, being a vernacular farmhouse within an agricultural landscape with its associated functional buildings and working yard to the rear.
4. There is a dispute between the parties as to whether the appeal proposal is 25m or 27.45m away from a listed building. Either way, I find that the grain silo would be located close to and within the setting of the listed building.
5. Although S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not directly relevant as planning permission is granted by Article 3(1) of the GPDO, I have still had regard to the desirability of preserving the setting of the listed building in considering whether the proposed siting is acceptable.
6. The grain silo would be cylindrical in shape and constructed of curved corrugated steel. It would be located towards the rear of the buildings, together with other buildings and structures and a yard area, which are clearly in agricultural use. The silo would be visible from the public highway and would be viewed together with the listed farmhouse. However, I find that its shape, form and materials of construction would give the silo a functional appearance and one that is clearly agricultural. As a result, it would not compete with the listed building and instead, would reinforce the agricultural setting and identity of the listed farm complex.
7. As such, I find that the proposal would preserve the setting of the listed building.

Flood risk

8. The Framework seeks to avoid development in areas at high risk of flooding by steering development to areas with the lowest risk, and not permitting development in high risk areas if there are other reasonably available sites in areas with a lower risk of flooding.
9. The Council advise that their records indicate that the silo would be located on land which falls within Flood Zones 2 and 3 and that it could be located elsewhere on the holding, such that it would be within Flood Zone 1. However, the Council have not provided any evidence to substantiate their position.
10. By contrast, the appellant has provided evidence by way of a map from a recognised government website which the Council agrees, clearly identifies that the appeal site is located within Flood Zone 1.
11. Flood risk is not a prior approval matter under Part 6, Class A of the 2015 GDPO and in any event, the appellant has demonstrated that the appeal site is located in an area with the lowest risk of flooding.

12. Therefore, in considering the proposed siting of the grain silo, I find that it is acceptable.

Conditions

13. The Council have provided a list of conditions to be attached, in the event that the appeal is allowed. However, I do not have the power to attach conditions beyond the standard conditions set out in the 2015 GPDO which relate to compliance with the approved plans and the implementation period.

Conclusion

14. For the reasons given I conclude that the appeal should succeed.

Alison Fish

INSPECTOR