



Appeal Decision

Site visit made on 17 May 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/A0665/W/22/3292361

Knightswood, Longley Lane, Kelsall, Cheshire CW6 0TG (352504, 369418)

- 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) Order 2015.
 - The appeal is made by Mr Adam Thwaites against the decision of Cheshire West and Chester Council.
 - The application Ref 21/04517/AGR, dated 5 November 2021, was refused by notice dated 8 February 2022.
 - The development proposed is a steel frame shed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application for determination as to whether prior approval was required for the construction of an agricultural building was made under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). The proposed development is the erection of an agricultural building. Paragraph A.2(2) of the GPDO requires, amongst other things, that a determination be made as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. The Council determined that prior approval for the siting, design and appearance of the building was required and was refused.

Main Issue

3. The main issue is whether or not the siting, design and appearance of the building are appropriate in their context.

Reasons

4. The site lies to the west of Longley Lane from where it descends to a cluster of mixed-use buildings, a large pond and grassed fields beyond. The upper area of the site consists of meadowland set between two residential properties. Parts of the site benefit from established tree lines, woodland fringing and hedging on or adjacent to its boundaries.
5. The proposed building would be located roughly central in the width of a sloping, fenced, grassed field running alongside a gated driveway from Longley Lane. According to the Council's estimate, this would be about 30m from the road.

6. Although limited detail of the appearance of the proposal has been provided, the description of the building identifies it as being of a typical size and utilising external materials commonly found on modern agricultural buildings. As a utilitarian building commensurate with an identified yield and an operational requirement to provide covered storage of hay derived from the land, it could reflect the appearance of other agricultural buildings nearby.
7. However, it would be set on the higher part of the site where it would be highly visible from the highway and an adjacent residential property. Although the site frontage has some mature trees and broken hedging backed by a row of young conifers, open views across the site and to the plain beyond can be observed from the higher position of Longley Lane.
8. The proposed siting would be remote from the existing cluster of buildings. These are partially obscured from the road as a consequence of their position in a dip below the initially more inclined ground. This limits their effect in the landscape from surrounding views. In contrast, the proposed building would be unduly prominent. The scale of the building, the open location in the middle of a field and isolated position away from either the existing buildings or the more established treed areas where the building would be screened, or benefit from their backdrop, would cause a significant visual incursion into the open character of this part of the site.
9. The siting would fail to reflect the typical rural arrangement of clustered buildings and the predominant character and appearance of farmsteads in the locality. Furthermore, it would fail to make best use of the topography, existing surfaced areas or established vegetation to minimise the effect of the building's siting on the landscape.
10. In support of the siting, the appellant contends that this would provide convenient and easy access for deliveries and purchases to and from the site. However, the site benefits from a surfaced roadway which would be capable of accommodating the majority of vehicles. Accordingly, I do not find this to be a compelling argument for permitting a proposal in a location that would cause harm to the open character and landscape value of the locality.
11. I acknowledge that some siting options may be restricted in close proximity to the stables or due to protected trees. However, given the scale of the site and that vehicles will inevitably be required to travel between its various parts to manage production or harvesting, for example, I am not persuaded that this precludes other areas with less harmful impacts.
12. Taking the above together, whilst I have found in favour of the appellant in regard to design and external appearance of the building, the proposed siting would result in a prominent incursion into the open rural landscape. It would not be sympathetic to the characteristic arrangement of rural buildings and the landscape setting. It would therefore fail to recognise or respond to the intrinsic character and beauty of the countryside. This would conflict with the requirements of the National Planning Policy Framework.

Other Matters

13. Whilst not stated in its reason for refusing prior approval, I recognise that the Council have expressed some doubt as to whether the building is reasonably necessary for the purposes of 'agriculture' on the unit as required by Part 6. If

such doubts existed, pursuant to the finding in *New World Payphones Ltd v Westminster City Council* [2019] EWCA Civ 2250, it was open to the Council to seek corroborative information in that regard. However, in the substantial absence of evidence otherwise, I find there are no grounds to doubt the submissions of the appellant in the particular circumstances of the case.

14. The Council's concern in relation to the appearance of an agricultural storage building previously provided on the site is not relevant to the restricted scope of matters to be considered under Part 6.

Conclusion

15. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR