

Appeal Decision

Site visit made on 2 August 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/P3040/W/21/3289438

**Ruddington Hall Estate, Land to the East of Loughborough Road,
Ruddington, Nottinghamshire, NG11 6LL, 458071, 334137**

- 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 (England) Order 2015 (the GPDO).
 - The appeal is made by Mills Agricultural Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref 21/02873/AGRIC, dated 31 October 2021, was refused by notice dated 22 November 2021.
 - The development proposed is a general-purpose agricultural 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, and the conditions of that Class, for a general-purpose agricultural building at Ruddington Hall Estate, on Land to the East of Loughborough Road, Ruddington, Nottinghamshire, NG11 6LL, 458071, 334137 in accordance with the details submitted under application Ref 21/02873/AGRIC, dated 31 October 2021.

Preliminary Matters

2. Part 6 Class A of the GPDO grants planning permission for the erection of a building on an agricultural unit of 5 hectares (ha) or more, which is reasonably necessary for the purposes of agriculture within that unit. The Council do not consider that it has been demonstrated that the building is reasonably necessary.
3. Paragraph A.2 of Class A imposes conditions on any permission granted under the class. Condition (2) requires an application to be made to the local planning authority for a determination 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's decision is that prior approval is required and that such approval has been refused on the basis of the impact of the proposal on the character and appearance of the area.
4. Because the GPDO grants planning permission for the building, there is no statutory requirement to determine the application in accordance with the development plan.

Main Issues

5. The only matters for my consideration are those set out in the class; firstly whether the proposal is reasonably necessary for the purposes of agriculture within the unit, and if it is, then the siting, design and external appearance of the building. Those are therefore my main issues.

Reasons

Whether reasonably necessary

6. From the evidence before me, it is not wholly clear whether or not the Council consider that there is an agricultural operation on the site. However, in their determination of the proposal, the Council did not visit the site. I do not necessarily consider that some of the land around the appeal site having the appearance of pastoral parkland is inconsistent with an agricultural use of the site.
7. In combination with the evidence of the appellant, and my observations during my site visit, where the site was clearly in use for grazing purposes and there was evidence of its use for hay/silage production, I am satisfied that there is an agricultural operation on the site. I am also satisfied that the operation on the site falls within the meaning of agriculture in the Act.
8. I note that the Council has referred to the lack of an agricultural holding certificate. However, this is not fatal, and I do not find that this outweighs the other evidence, including the plans showing the extent of the agricultural land to be served by the proposal, the statements setting out the current farming practices on the land and my observations during my site visit.
9. Given the uses set out in the application for the proposed building, and taking the above into consideration, I am satisfied that the proposal would be reasonably necessary for the purposes of agriculture within the unit.

Siting, design and external appearance

10. It is proposed to locate the building on the edge of the unit, between existing trees and adjacent to a large, dense, tall, wooded area. Although areas of the unit are lower than the location of the building, given the trees within the unit, the strong, established boundaries and the lack of public viewpoints, I do not consider the siting to be unacceptable. Whilst the building may be visible in longer views across the unit or from further afield, given its clearly agricultural nature, setting and wooded backdrop, I do not consider it would be unduly or harmfully prominent. The siting of the proposal is therefore acceptable.
11. The design of the proposal is a standard agricultural building and relates to the agricultural activities that might reasonably be conducted on the unit and is therefore acceptable.
12. The building is proposed in green profiled metal sheeting, above concrete panel lower-walls. Again, this is entirely appropriate for an agricultural building in an established agricultural setting, and I consider that the green profiled metal sheeting walls would reduce the visibility and prominence of it. Whilst I accept the building would still be visible, I do not consider that this is harmful. I therefore find that the external appearance of the proposal, is acceptable.

13. The Council have referred to policies in the local development plan and the National Planning Policy Framework (the Framework), including references to the location of the site within the Green Belt. These can be relevant considerations insofar as they relate to the siting, design and external appearance of the proposal. However, having had regard to them, they do not alter my conclusions on the siting, design and external appearance of the proposal as set out above.
14. The proposal is clearly agricultural in terms of its siting, design and external appearance, and is within a clearly agricultural setting. As such, even taking those development plan policies into account, I am satisfied that my conclusions are consistent with the light touch process sought by the Planning Practice Guidance for prior approval where the principle of development has already been established.

Conclusion

15. For the reasons set out, I conclude that the proposal would be reasonably necessary for the purposes of agriculture within the unit and would be acceptable with respect to its siting, design and external appearance.
16. Prior approval should therefore be granted, so the appeal is allowed.

S Dean

INSPECTOR