The Planning Inspectorate

Appeal Decision

Site visit made on 9 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/L3245/W/21/3287912
Greenfields Farm, Hilton, Bridgnorth WV15 5NZ

- 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 Chris Taylor against the decision of Shropshire Council.
- The application Ref 21/02173/FUL, dated 19 May 2021, was refused by notice dated 24 August 2021.
- The development proposed is a detached agricultural building and new access gates.

Decision

1. The appeal is allowed and planning permission is granted for a detached agricultural building and new access gates at Greenfields Farm, Hilton, Bridgnorth WV15 5NZ in accordance with the application Ref 21/02173/FUL, dated 19 May 2021, subject to the following conditions:

    1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plan Proposed Agricultural Building and Gates Drawing Number 2045/101.

    3) No floodlighting or external lighting associated with the development shall be installed.

Application for costs

2. An application for costs was made by Mr Chris Taylor against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matter

3. The development includes the construction of an agricultural building and new access gates. The reasons for refusal on the Council's decision notice indicate that the agricultural building is the matter in dispute. I have no reason to disagree with the Council's conclusion that the access gates are acceptable in planning terms. My reasoning below therefore relates solely to the building.

Main Issues

4. The main issues are:

- Whether there is an agricultural justification for the proposed development;
- Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
- The effect on the openness of the Green Belt; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Agricultural justification

5. The appeal site is formed of approximately 2 hectares in agricultural use with a contemporary dwelling located centrally in the site and a number of fenced paddocks. The enterprise is currently small scale comprising 12 sheep.

6. The proposal comprises a building that would be used for lambing, to store forage and hay and general-purpose agricultural items. It would be located close to the dwelling and the paddock that houses most of the sheep.

7. Whilst the current operation is small scale the enterprise has grown between determination of the application and submission of the appeal which, to me, demonstrates that the enterprise is developing as the appellant directs.

8. The size of the proposed building would be commensurate with the scale of the enterprise. Its position would be directly related to the existing paddocks and close enough to the dwelling for the appellant to attend to the welfare needs of animals during lambing season. It is clear that there is a functional and practical reason for a shelter for lambs including during lambing season and a building for year-round agricultural activities. There is also no other buildings or structures that could reasonably accommodate livestock, feed or agricultural items reinforcing the requirement for the building, particularly in light of the growth of the number of livestock at the enterprise.

9. There is no substantive evidence to indicate that the building would be used for non-agricultural purposes. The appellant indicates that the building would be a livestock shelter and storage for agricultural items. Based on the evidence before me I am satisfied that the proposed development would be used for such purposes and there is nothing to doubt that the appellant's intentions are anything but genuine.

10. The Council set out an expectation that new agricultural enterprises should demonstrate commercial viability before new buildings can be supported. However, this is not a determining factor as the Council have not directed me to any planning policies which stipulate that an enterprise must be viable.

11. As such, I am satisfied that there is reasonable justification for the proposed development. I conclude it accords with Policies CS5 and CS13 of the Shropshire Core Strategy (2011) and Policy MD7b of the Site Allocations and

Management of Development (SAMDev) Plan (2015) which, amongst other things, support agricultural related development; recognise the continued importance of farming for food production and rural enterprise and support development that is of a size and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise.

Whether the proposal would be inappropriate development in the Green Belt

12. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are not inappropriate in the Green Belt including buildings for agriculture and forestry.

13. As I find it to be the case that the proposed development would be for agricultural use the proposal is not inappropriate development in the Green Belt and very special circumstances do not need to be demonstrated in order to justify the proposal.

14. I therefore conclude the proposed development accords with CS Policy CS5 and SAMDev Policy MD6 which, amongst other things, support developments that do not conflict with the purposes of the Green Belt. It would also accord with the Green Belt aims and objectives set out in the Framework.

Conditions

15. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. In order to protect the rural character of the area I have imposed a condition preventing the installation of floodlights and external lighting.

16. A condition restricting construction works, demolition and associated deliveries is not necessary and has not been imposed due to the considerable separation between the proposed building and nearby properties.

17. The Council has suggested a condition for the proposed building to be constructed from timber clad walls with a standing seam zinc roof. However, sufficient information is shown on the submitted plans. The development must be carried out in accordance with the approved plans thus the condition is not necessary and has not been imposed.

Conclusion

18. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR