



Appeal Decisions

Site visit made on 4 October 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal A Ref: APP/P1045/W/22/3299000

Long Meadows Farm, Smith Hall Lane, Hulland Ward DE6 3ES

- 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 Adrian Plant against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01436/FUL, dated 16 November 2021, was refused by notice dated 24 January 2022.
 - The development proposed is for the erection of an agricultural building for housing livestock.
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Appeal B Ref: APP/P1045/W/22/3299003

Long Meadows Farm, Smith Hall Lane, Hulland Ward DE6 3ES

- 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 Adrian Plant against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01421/FUL, dated 16 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is for the erection of an agricultural storage building.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building for housing livestock at Long Meadows Farm, Hulland Ward DE6 3ES in accordance with the terms of the application, Ref 21/0436/FUL, dated 16 November 2021, subject to the conditions set out in the schedule below.

Appeal B

2. The appeal is allowed and planning permission is granted for the erection of an agricultural storage building at Long Meadows Farm, Hulland Ward DE6 3ES in accordance with the terms of the application, Ref 21/01421/FUL, dated 16 November 2021, subject to the conditions set out in the schedule below.

Preliminary Matters

3. As set out above, there are two separate appeals for the erection of an agricultural building at the appeal site. The proposed schemes are very similar and are immediately adjacent to each other. Therefore, in the interests of conciseness, I have dealt with the two appeals in the same decision. However, each appeal has been determined on its own merits.

Main Issues

4. The main issues, common to both appeals, are:
- Whether the proposed agricultural building is necessary; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether Necessary

5. Policy S4 of the Adopted Derbyshire Dales Local Plan (the LP) supports development within the countryside where, amongst other scenarios, it is for agricultural development that helps to sustain an existing agricultural enterprise. Paragraph 84 of the National Planning Policy Framework (the Framework) similarly supports rural development where it would enable the sustainable growth and expansion of businesses in rural areas including agricultural businesses.
6. The proposed buildings before me are, as noted above, agricultural in nature with the buildings serving as a barn (Appeal A) and agricultural storage building (Appeal B). It is clear from the evidence before me that the appeal site forms part of a larger agricultural unit and business. I note that neither of the main parties dispute this matter. The site itself contains a sizeable area of hardstanding which supports a storage barn and is surrounded by fields within the appellant's ownership that are used for the grazing of sheep.
7. I note, from the appellant's submissions that whilst they graze livestock at the appeal site, they are currently unable to shelter them on site, instead seeking this offsite. From my observations on site, given its design and existing use, I do not find that the existing storage building would be suitable for livestock. Providing a livestock barn at this site would therefore support the operations on this site by allowing the sheep to be sheltered, especially over winter, as well as grazed.
8. Whilst there is an existing storage building at the appeal site, it was clear from my observations on site that this building is near to its practical capacity for storage. The provision of a further storage building at the appeal site would ensure that more of the agricultural paraphernalia, such as machinery, feeds stuffs and fodder, can be stored inside rather than, as at the time of my visit, outside the existing building. This storage building would therefore also help support the agricultural business and its growth.
9. Although the Council have suggested that the developments should be carried out at the Onecote site, that would not support the agricultural operations being carried out at this site given the distance between them. Moreover, I must consider the appeals as they are before me.
10. Given the above, it has been demonstrated that both proposals would be necessary to support and grow the existing agricultural business and would therefore comply with LP Policy S4 and Framework Paragraph 84, as outlined above.

Character and Appearance

11. The appeal site is within a broadly agricultural setting characterised primarily by significant areas of open fields and associated agricultural development. However, there are a number of other developments nearby including a substantial concrete production site, solar farm, and domestic dwellings. The proposals would introduce two additional buildings adjacent to an existing storage building and area of hardstanding.
12. The two buildings would be agricultural in their appearance and fairly typical of modern examples of barns and storage buildings associated with agricultural uses. In this way they would be in keeping with their rural setting and would not harm the character of the area. Moreover, although the two buildings are sizeable both in themselves and cumulatively, they are commensurate to the scale of their proposed uses and would not cover such a significant portion of the field as to be overdevelopment of it.
13. The appeal site is within a somewhat prominent position where the buildings would be visible from a number of roads and other public vantage points. However, given the above and their close proximity to the existing built development on site, I do not find that they would be harmful or intrusive features within the surrounding area.
14. Consequently, the proposals for the livestock barn and storage building would not unacceptably harm the character and appearance of the surrounding area. They would therefore comply with Policies S4, PD1 and PD5 of the LP which collectively, and amongst other matters, require developments to be of a high-quality design that respects the identity of its surroundings and protects the landscape character and quality of the countryside.

Other Matters

15. I note the concerns raised by some neighbouring occupiers that the proposed livestock barn would be too close to nearby dwellings. However, given the rural setting of the appeal site I find that a level of proximity is to be expected between dwellings and agricultural buildings. Nevertheless, I do not find either building would be so close as to result in any unacceptable impact on the living conditions, health or well-being of the neighbouring occupiers.
16. A number of objections have been received regarding potential future uses or alterations to the site and the proposed agricultural buildings. Namely, the potential for industrial activity on site, the erection of a dwelling and the potential to provide first floor extensions. These are not within the scope of the development, and I must consider the proposals as they are before me.
17. The general welfare practises employed by the appellant on site are not determinative in my consideration of the appeal as this is covered by other legislation. It has not been demonstrated that the proposals would result any unacceptable risk with regards to infections or diseases on site and so this matter has also not been determinative.
18. Although the National Farmers' Union representative may not cover the area within which the appeal site sits, this does not preclude them from making comments in support of the appellant. I have therefore been mindful of their comments as I have been with the appellant's other submissions.

Conditions

19. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
20. For certainty, I have set out the timescale for the commencement of development. Although not suggested by the Council, a condition is also necessary for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
21. Given the appeal site's location within the countryside where new development is restricted to certain purposes, it is necessary to impose a condition requiring that the buildings are used solely for agricultural purposes. I have not however, limited it to being ancillary to operations based at the site upon which it sits, as this could hamper its support for the wider agricultural business.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall begin not 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 plans: 001, 003, 004.
- 3) The building hereby permitted shall be used solely for agricultural purposes.

Appeal B

- 1) The development hereby permitted shall begin not 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 plans: 001, 003, 004.
- 3) The building hereby permitted shall be used solely for agricultural purposes.