



Appeal Decision

Site visit made on 2 November 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/H1033/W/22/3297818

Lodge Farm, Boggard Lane, Charlesworth SK13 5HL

- 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 Mark Clare against the decision of High Peak Borough Council.
 - The application Ref HPK/2021/0316, dated 21 May 2021, was refused by notice dated 11 November 2021.
 - The development is described as 'Erection of 2 no. agricultural buildings (part retrospective)'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 no. agricultural buildings at Lodge Farm, Charlesworth, SK13 5HL in accordance with the terms of the application, Ref HPK/2021/0316, dated 21 May 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal is part retrospective in that one of the agricultural buildings (referred to in the application as a machinery store) is already in place. However, for the avoidance of any doubt, I have determined the appeal on the basis of the plans before me.
3. Notwithstanding the above, I have removed the reference to retrospective from the description of development in my decision as it is not an act of development.
4. The appeal application was submitted following the refusal of a planning application¹ at the appeal site for a proposed implement shed to accommodate storage of equipment, machinery and other items in connection with the adjacent caravan site. This was refused on the basis that it was inappropriate development in the Green Belt and harmful to landscape character. It was determined that there were no very special circumstances to outweigh the collective harm.
5. A subsequent application² seeking prior approval under Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 2015 was also refused before a later application under the same procedure was withdrawn³. In both cases the Council cited a lack of evidence of any agricultural trade or business operating from the site.

¹ HPK/2018/0351

² DET/2018/0010

³ DET/2020/0010

Main Issues

6. The main issues are:

- whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- whether the appeal site is an acceptable location for the development having regard to the development plan policies;
- the effect of the development on the character and appearance of the rural landscape; and
- whether the 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 development.

Reasons

Whether Inappropriate Development

7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Exceptions include: 149. a) buildings for agriculture and forestry. Policy EQ4 of the High Peak Local Plan (2016) (the HPLP) states that planning permission will not be granted for development in the Green Belt unless it is in accordance with national planning policy.
9. The appeal site is a rough surfaced yard accessed from Boggard Lane, a minor road that serves several properties and a caravan site. The appeal site includes the machinery store as well as two adjacent timber buildings within the yard. The machinery store is located towards the back of the appeal site and comprises of horizontal timber boarded walls and a dark grey metal sheeted roof. The elevation facing the entrance to the site is predominantly open.
10. In addition to the machinery store, which would be used for storing agricultural machinery, permission is also sought for a proposed agricultural building, sited perpendicular to that building. Although slightly smaller, the agricultural building would be faced with the same materials and would have a similar appearance to the machinery store, also having an open frontage. The proposed building would be used for the storage of timber and woodland management equipment, hay and bedding with approximately half of the building to be used for housing livestock.
11. On the site visit I saw that the machinery store was being used for housing sheep. Numerous wrapped bales were being stored on the site of the proposed agricultural building. Agricultural and forestry machinery including a tractor and telehandler were also parked here along with a livestock trailer. The adjacent field was stocked with sheep. There was also felled timber being stored here.

12. Moreover, the appellant states that he is now operating the agricultural business outlined in the Supporting Statement to the application. As part of the appeal the appellant states that the enterprise now includes 38 sheep comprising of a mix of breeding ewes and lambs. Receipts detailing the sale and purchase of sheep have been provided. The appellant also states that numerous elements of agricultural machinery have been purchased since the enterprise has commenced. A number of these machines are those which I saw on site.
13. The appellant has supplied a Woodland Management Plan that has been found to be credible by the Council's Tree Officer. This includes management of trees with ash die-back, which the Council accept would be a minor benefit of the scheme. The appellant has provided photographs of the existing machinery being used to manage the woodland.
14. I accept that the appellant runs a nearby caravan site and that it appears the agricultural business has commenced after the submission of the application. I also note the planning history of the site. However, I am determining at the point of appeal on the basis of the evidence before me, which is indicative of an agricultural business being operated from the appeal site and the surrounding fields.
15. On the above basis I am satisfied that the proposed building and machinery store would be used for agricultural and forestry purposes. The proposal would therefore not be inappropriate development and would therefore comply with paragraph 149 of the Framework and Policy EQ4 of the HPLP.
16. As the scheme does not amount to inappropriate development in the Green Belt, there is no requirement to assess if there are other considerations that amount to very special circumstances to justify it.

Location

17. The appeal site lies within the open countryside. Policy EQ3 of the HPLP seeks to ensure that new development in the countryside is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy sets out that this will be achieved by, amongst other things, supporting proposals for agriculture and related development which help sustain existing agricultural enterprises.
18. The appellant's agricultural enterprise does not appear to have been operating at the time of the submission of the application. Nevertheless, as above, the weight of evidence before me is such that I am satisfied the appellant is now operating an agricultural enterprise from the land around the appeal site. The appeal development would thus sustain an existing agricultural enterprise and I am therefore satisfied that the location of the appeal site is acceptable. The proposal would comply with Policy EQ3 in this regard.

Character and Appearance

19. The appeal site forms part of a cluster of buildings around a yard area that lies adjacent to Boggard Lane, a public right of way. There are various buildings accessed off the lane including dwellings and existing agricultural style buildings. The lane is steeply sloping and levels out close to the appeal site with the appellant's caravan site a little further along the lane. The site is located amongst attractive countryside, although it backs onto woodland.

20. Due to the screening provided by woodland, the sloping topography and the existing buildings at the site, the machinery store and the site of the proposed agricultural building are not prominent in views on the approach from Charlesworth. Whilst the appeal site is likely to have limited visibility in wider landscape views from the elevated land to the north, this would be at a considerable distance with intervening vegetation. The site is seen on the short section of the approach along the public right of way from the caravan site, although these views are partly screened by the existing boundary treatments.
21. The site lies within the 'Settled Valley Pastures' Landscape Character Area as identified within the Landscape Character Assessment SPD (SPD). The SPD provides guidance as to the type of buildings appropriate within this setting. This relates to larger scale development, including agricultural buildings. The guidance states *'Prefabricated metal buildings do not weather well and remain obtrusive within the landscape. For this reason, materials that do weather well and are sympathetic to the landscape will be preferred'*. It goes on to state: *'Darker roofing than walling gives weight and reduces visual impact and reflection on larger buildings. New buildings should be no lighter or brighter than existing buildings.'*
22. The machinery store has a darker roof than the external walls and it is proposed to repeat this for the proposed agricultural building. This is reflective of the guidance in the SPD. Whilst the SPD notes that materials that weather well will be preferred, the metal finish to the machinery store and proposed building is limited to the roof, the shading of which is consistent with the SPD.
23. It is common ground that the proposed agricultural building and the machinery store would be of a reasonably modest scale. They would be well sited in relation to existing buildings. Furthermore, the appeal site is reasonably secluded in landscape terms, backing onto woodland, with visibility primarily limited to immediate views from the passing public right of way. In that respect I note that it is proposed to provide tree and hedge planting to the eastern boundary which would further limit visibility over time. As such, in this instance, a dark metal roof would not appear visually obtrusive or inappropriate within this setting.
24. I accept that the timber boarded walls of the machinery store have a brighter finish than the existing timber buildings adjacent. However, the appellant argues that these will weather to become a natural grey/brown colour and that this will also be the case for the proposed building. This is consistent with my experience of such buildings: timber boarding such as this is reasonably bright when first installed and weathers to become a silver grey over time. Indeed, the walls of the building appear to have weathered slightly since the photographs in the appellant's Supporting Statement, dated May 2021.
25. Moreover, owing to its capacity for weathering, the SPD advises that timber boarding is an appropriate material for the walls of agricultural buildings, notwithstanding that the example given is vertical boarding rather than horizontal boarding. In this regard I note that the appeal scheme would be consistent with its surroundings as horizontal boarding is present at the two existing buildings adjacent. Having regard to the above, I am therefore satisfied that the machinery store and proposed agricultural building would be broadly consistent with the SPD and would not constitute poor design.

26. For the above reasons I conclude that the development would not have an unacceptable effect on the character and appearance of the rural landscape. There would therefore be no conflict with Policies S1, EQ2, EQ3 and EQ6 of the HPLP which together, amongst other things, seek to provide high quality design that protects the landscape's intrinsic character and distinctiveness.
27. There would also be no conflict with Framework paragraph 130 which amongst other things seeks to ensure new developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

28. Both parties have referred to a nearby appeal decision⁴ for a timber shelter. This is different to the appeal proposal as no livestock had been purchased and the agricultural enterprise was not existing. It also related to a more open location and was set apart from existing buildings. The site was also located within a Conservation Area. I am therefore satisfied that the nearby appeal decision does not represent a parallel with the appeal scheme.

Conditions

29. In addition to requiring commencement with the standard statutory period, I have imposed conditions requiring compliance with the supporting plans in the interests of clarity. Having regard to my above reasoning it would be unreasonable and inappropriate to require an alternative palette of materials as I have found no harm to the character or appearance of the area. I have also found that the machinery store is broadly consistent with the guidance in the SPD. I have therefore not imposed the Council's suggested condition in this regard. Nonetheless, a condition requiring the proposed building to be reflective of the materials present in the machinery store is necessary in order to preserve character and appearance.
30. I have imposed a condition restricting the use of the building in line with the Council's suggested condition, given the location within the open countryside and in order to comply with Policy EQ3. However, I have added a reference to forestry, as it is accepted by both parties that there is likely to be some use of the buildings for these purposes also.

Conclusion

31. For the reasons given above I conclude that the appeal should be allowed.

Paul Martinson

INSPECTOR

⁴ APP/H1033/W/20/3250497

SCHEDULE OF CONDITIONS

- 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: KCC3030-01, KCC3030-02, KCC3030-03, KCC3030-04.
- 3) The materials to be used in the construction of the external surfaces of the agricultural building hereby permitted shall match those used in the agricultural building (machinery store), also hereby permitted, as existing on the date of this permission.
- 4) The buildings hereby approved shall remain in use for agricultural/forestry purposes. Should the buildings no longer be used for these purposes, they shall be demolished, and the land returned to a natural state within 6 months of the agricultural/forestry use ceasing to operate.