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# Appeal Decision

Site visit made on 22 November 2022

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2022**

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**Appeal Ref: APP/J0405/W/21/3287499**

**Green End Farm, Granborough MK18 3NT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Elmtree Agricultural against Buckinghamshire Council.
  - The application Ref 21/03092/APP, is dated 29 July 2021.
  - The development proposed is erection of an agricultural barn, hardstanding and associated infrastructure.
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## Decision

1. The appeal is dismissed and planning permission for erection of an agricultural barn, hardstanding and associated infrastructure is refused.

## Preliminary Matters and Main Issues

2. Since the appeal was lodged, the Granborough Neighbourhood Plan (NP) was made by virtue of a positive local referendum. As such, this now forms part of the adopted development plan for the area. The referendum version of the NP has been provided as part of the appeal submissions and the main parties have had an opportunity to comment on its contents.
3. At the time the appeal was lodged, the Council had made no decision on the planning application. Since then, the Council has issued a decision that states planning permission is refused, even though it was no longer in a position to make a determination. In light of the Council's submissions, the main issues are whether the development would comply with policies of the Vale of Aylesbury Local Plan 2021 (LP) having regard to need, the size and location of the proposal and its effect on the living conditions of occupiers of nearby residences by reason of noise.

## Reasons

4. LP policy E9 is supportive of new agricultural buildings provided various criteria are complied with. These seek to ensure the development is necessary for the purposes of agriculture and that it is of a size commensurate to the needs of the holding. Also, it is a requirement that there are no existing buildings on the unit which are capable of re-use. The policy states that evidence may be required to support the need for a building if it is considered to be too large in relation to the holding. Furthermore, development should be located close to existing buildings, although sited to minimise impact on residential amenity.
5. The appeal site forms part of a larger field that is vacant of buildings. I am advised the field forms part of a 200 acre farm that is mainly arable. The

appellant's statement includes an image that shows land in their ownership to the south of Green End, the road that leads out of the village of Granborough to the surrounding countryside. However, the appellant has not sought to dispute the Council's claim that an extensive tract of land to the north of Green End is also in their ownership. I am advised the area to the north includes a complex of agricultural buildings at Ley Farm.

6. The proposed building would be used to store hay and straw grown at the farm. The hay needs to be stored in the dry from the time of harvest until it is sold and taken off the holding. Also, the barn would be used to store farming equipment. The proposed hardstanding is needed to allow the movement of large tractors, trailers and lorries for unloading and loading of produce.
7. There is no dispute that the proposed building would be of an appropriate design to serve its agricultural purpose. However, the barn would be sizeable and no details have been provided on the amount of hay or on the agricultural equipment to be stored so as to justify its scale. Also, the evidence fails to explain the significant extent of the proposed hardstanding. Without such information, it is unclear whether the proposed development would be of a size that is commensurate to the needs of the holding.
8. Also, little information has been provided on the scale of existing agricultural buildings at Ley Farm or how these are being used. The appellant claims the buildings are fully utilised but it is unclear whether this includes for purposes intended for the proposed development. For example, there is no information that explains where the hay, straw or equipment that would be stored in the proposed building is currently being held.
9. The appellant does not want to transport hay or straw from Green End to Ley Farm to avoid cross contamination with blackgrass weeds. However, the Council suggest that such contamination could be avoided through normal machine cleaning practices. The appellant has not sought to dispute this contention. As such, the evidence fails to convincingly demonstrate that there are no buildings at Ley Farm that are reasonably capable of accommodating at least part of the storage space that the appellant states is needed.
10. Until recently, barns in the appellant's ownership at 20D Green End were used for agricultural storage. However, these are now converted to residences, hence the claimed need for the proposed storage space. However, there is no information before me on the size of the barns at 20D Green End and so I am uncertain whether the proposed development is of a comparable scale. Moreover, no convincing explanation has been provided as to why the appellant has proceeded to convert the barns without first obtaining planning permission for replacement agricultural storage facilities. This casts doubt over the necessity of the proposed development, especially in the absence of information on the Ley Farm buildings and how they are used.
11. LP policy E9 states that agricultural development should be close to existing buildings, although it does not stipulate that these should be in agricultural use. The appeal site adjoins the side boundary of 32 Green End (No 32), a residential property. However, the barn would be on the other side of the appeal site with the significant extent of proposed hardstanding between it and No 32. As it would be set away from the dwelling, it would not appear close to any existing building.

12. The siting of the barn would help avoid overshadowing and overbearing effects onto the adjoining residence. However, the sizeable extent of hardstanding suggests the proposal would lead to significant levels of loading and unloading of produce and associated vehicle movements. Such activity would be linked to the agricultural use of the holding but even so, it is likely to generate noise in excess of that associated with the current use of the site as a field. Furthermore, it is likely that associated noise would be heard from No 32 as the hardstanding and access would be near to the boundary and as side windows in the dwelling face towards the site. There is a significant risk that noise generated from the movement of produce would cause disturbance to occupiers of No 32. As large tracts of land in the ownership of the appellant are not near to any dwelling, I find the proposed development would not be sited so as to minimise adverse impacts on residential amenity.
13. Concerns are also raised over the effect of noise from traffic associated with the proposed development on other residences on Green End. However, even if the barn is not provided, produce would be taken off the appellant's fields by vehicle along Green End. Without clear evidence on the amount and the source of produce and items to be stored in the proposed barn, I am unconvinced of the appellant's claim that the scheme would reduce traffic movements to and from the site. At the same time, I am satisfied that traffic associated with the development would avoid an unacceptable increase in disruption to dwellings in the village. Nevertheless, this would not address or override the identified detriment to the amenities of No 32 due to the increase in loading and unloading activity on the site.
14. The appellant contends that the decision on the location of the proposal has been carefully considered. Other options have been ruled out for various practical reasons, including access, flooding and security. However, the reasons given for discounting other locations do not appear to be insurmountable problems. Also, the alternatives referred to do not include any site at or near to Ley Farm. The limited area of search has not been properly explained. As such, I am unconvinced that the appeal site provides the only appropriate location for the development.
15. In any event, the primary test to be applied in the determination of this appeal is whether the proposal would comply with LP policies. For the reasons given, I conclude that insufficient information has been provided to demonstrate a reasonable need for the development and to show that the size of the development would be commensurate to the needs of the holding. Moreover, the evidence fails to show there are no existing buildings on the unit which are capable of re-use for the intended purpose of the proposal. Furthermore, I find the proposed barn would not be located close to existing buildings. In these respects, the development would not accord with LP policy E9.
16. Also, I conclude that noise from activities associated with the proposed development would cause unacceptable harm to the living conditions of occupiers of No 32. In these regards, the development would be contrary to LP policy BE3 as well as policy E9.

### **Other Matters**

17. The appellant raises concerns over the way the Council has dealt with the planning application. However, such concerns have no influence on the merits of the proposal.

18. The appellant contends that planning permission as sought would not have been required if the barn conversions at 20D Green End had not been carried out. However, this attracts little weight in favour of the scheme now that the change to residences has been completed.
19. The proposal would not lead to the loss of any trees and it would not cause harm to any identified features of ecological value. It would not be at an unacceptable risk of flooding and an appropriate surface water drainage system could be secured through a planning condition. Due to intervening buildings and relative land levels, the development would have no impact on the setting of listed buildings in the village. Acceptability in all of these regards is a neutral factor in my assessment.
20. The scheme gains support from paragraph 84 of the National Planning Policy Framework which states that planning decisions should enable the development of agricultural businesses. However, this attracts only moderate weight given that I have found insufficient evidence to demonstrate a need for a development of such a scale. Any positive weight to be attributed to the scheme in these regards does not outweigh the identified conflict with LP policies.

### **Conclusion**

21. The proposal would not accord with development plan policies when read as a whole and there is insufficient justification to allow the scheme contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR