



Appeal Decision

Site visit made on 20 October 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2022

Appeal Ref: APP/R1038/W/22/3296140

Cowley Hall Farm, Cowley Lane, Holmesfield S18 7SD

- 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 Peter Gregory against the decision of North East Derbyshire District Council.
 - The application Ref 22/00011/FL, dated 4 January 2022, was refused by notice dated 1 March 2022.
 - The development proposed is construction of an agricultural building for storage of agricultural equipment and hay and for sheep at lambing time.
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Decision

1. The appeal is allowed and planning permission is granted for construction of an agricultural building for storage of agricultural equipment and hay and for sheep at lambing time at Cowley Hall Farm, Cowley Lane, Holmesfield S18 7SD in accordance with the terms of the application, Ref 22/00011/FL, dated 4 January 2022, subject to the following 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:
2694/01 (LOCATION PLAN)
2694/02 (PLAN AND ELEVATIONS)
 - 3) The building hereby permitted shall be used for the storage of agricultural equipment and hay and for sheep at lambing time and for no other purpose, unless a further planning permission is granted by the local planning authority.

Preliminary Matters

2. The descriptions of Policies SS9 and SS10 of the North East Derbyshire Local Plan 2014-2031 (the Local Plan) given by the Council in their decision notice appear to have been erroneously reversed. Nevertheless, I have considered both policies as set out in the Local Plan where relevant to the main issues.
3. The Council has suggested a planning condition to restrict the use of the building for agricultural purposes only. However, this wording would potentially allow other agricultural uses of the building that may not be appropriate in this context and should be subject to control by the Local Planning Authority. To clearly define the use of the building, I have attached an amended version of the Council's suggested condition that reflects the description of the

development applied for more precisely. The parties have had an opportunity to comment on the amended wording and so have not been prejudiced by this.

Main Issues

4. The main issues are;

- Whether the proposal is necessary for the efficient or viable operation of agriculture, having regard to the provisions of the development plan that seek to control development of new buildings in the countryside;
- Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
- The effect of the proposal on the character and appearance of the area.

Reasons

Whether the Proposal is Necessary

5. Policy SS9 of the Local Plan stipulates that development outside settlement development limits will be approved where it can be demonstrated to fall within certain categories of development, listed within the policy. This includes development that is necessary for the efficient or viable operation of agriculture, including the diversification of activities on an existing farm unit.
6. The land owned and operated by the appellant is a total of 9.22ha in area, comprised of several fields including the appeal site on the north side of Cowley Lane, and a larger parcel of land to the south. The appellant has confirmed the holding number for the land and that it qualifies for the Single Farm Payment.
7. The appellant advises that the land is used for growing grass for hay and haylage, some of which is used by horses and sheep belonging to their family, with the remainder sold to other farms and horse owners. The appellant also takes a hay crop from other sites nearby. Supporting correspondence from a local farmer and local landowner confirming this has been provided. The appellant has also provided proof of past purchase of livestock.
8. Most of the appeal site is grassland, which did not feature any livestock at the time of my site visit, however I observed that those fields on the southern side of Cowley Lane indicated to be within the appellant's ownership contained grazing sheep. There was a tractor, trailer and ride-on lawnmower stored outside adjacent to the appeal site access. Further into the appeal site, in the approximate location of the proposed building, an additional trailer and other agricultural equipment also appeared to be stored outside.
9. The purpose of the proposed building is for the storage of agricultural equipment, hay and sheep at lambing time. The appellant indicates the building would keep hay dry, as required by customers, and reduce plastic waste currently required to wrap bales. It would also prevent sheep from having to be relocated during lambing by providing shelter. In addition, the appellant has confirmed a list of vehicles and equipment that require storage to prevent their deterioration and improve security. The proposed building is of a size and design that appears proportionate and related to these intended purposes.

10. The evidence before me and my own observations lead me to conclude that the building would serve a genuine agricultural business and would be necessary for its efficient operation. There is no compelling evidence before me to indicate otherwise. I therefore find that the proposal would comply with Policy SS9 of the Local Plan which seeks to strictly control the development of new buildings in the countryside outside of existing settlements.

Whether the Proposal is Inappropriate Development

11. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, other than in a number of exceptions.
12. The exception at paragraph 149(a) allows for buildings for agriculture and forestry. Policy SS9 of the Local Plan indicates where development falls within the Green Belt, the provisions of Policy SS10 apply. Criterion 2(a) of Policy SS10 includes the same exception for buildings for agriculture as the Framework.
13. The Council maintain that at the time the application was pending consideration, there was no evidence of an existing agricultural operation taking place nor that such a building would be reasonably necessary for the purposes of agriculture within the unit. In respect of this main issue however, I must determine the proposal as applied for, unless the evidence firmly indicates that it would not be a building for agriculture or forestry. The proposed building, in terms of its appearance, scale, layout and proposed use, has the characteristics of an agricultural building and it would be used in conjunction with the agricultural business on the appeal site. There is no compelling evidence before me to indicate that it is intended to be used for any other purpose and a planning condition can be attached to ensure it remains in agricultural use.
14. In view of the above, the evidence before me leads me to conclude that the proposal would be a building for agriculture. It would therefore fall under exception (a) of paragraph 149 of the Framework and criterion 2(a) of Policy SS10 of the Local Plan. Accordingly, the proposal would not be inappropriate development in the Green Belt.

Character and Appearance

15. The appeal site is located within a rural setting, along a country lane. The surrounding area is characterised by rolling farmland bounded by hedgerows and trees, with dry stone walls in places. Along Cowley Lane, this rural landscape is interspersed with groups of farm buildings, cottages, and larger dwellings, some of which are considerably set back from the road. Buildings are often finished in stone and slate, however on my site visit I saw that there are also several large metal sheeted and timber clad buildings in the area.
16. The proposed building would benefit from partial screening from trees and shrubs along the western boundary of the site. In views from the public footpath to the east, it would be seen within the context of the collection of dwellings and farm buildings associated with the adjacent properties. Though it would stand relatively prominently in views along the existing access into the site, it too would be set back considerably from Cowley Lane.

17. While the proposed building is considerable in size, its scale and appearance is characteristic of large agricultural buildings that are common in the countryside and, in the context described above, it would not appear incongruous in its setting. It would therefore not unduly harm the prevailing character and appearance of the area.
18. I saw on site that there is an existing gravelled track serving the field in which the proposed building would be located, albeit that it does not extend to the location of the proposed building. This track spurs off from the existing private access road onto Cowley Lane, serving the two dwellings on the site. The appellant has confirmed no additional access tracks, parking or manoeuvring areas will be required, and none are shown on the submitted plans. Should any such surfacing or engineering works be required in future, this would be subject to the limitations of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or otherwise require the approval of the Council, at which point any further effect on the predominantly open, rural character of the application site could be assessed.
19. In respect of this main issue, I conclude that the proposed development would not harm the character and appearance of the area. As such, it would accord with the landscape requirements of Policies SDC3 and SS9 of the Local Plan. These policies, amongst other things, seek to protect landscape character and other qualities from harmful development, and ensure development in the countryside respects the form, scale and character of the landscape.

Conditions

20. In addition to the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. A condition is also required to ensure the building is used for the storage of agricultural equipment and hay and for sheep at lambing time and for no other purpose, given the limitations in national and local planning policy that apply to development within the countryside beyond settlement limits and within the Green Belt.

Conclusion

21. For the reasons given above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed.

Ryan Cowley

INSPECTOR