



Appeal Decision

Site visit made on 12 December 2022

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/T2405/C/22/3294184

Land South East of Granitethorpe Quarry, Leicester Road, Sapcote, Leicestershire, LE9 4AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr John Mac against an enforcement notice issued by Blaby District Council.
- The enforcement notice was issued on 3 February 2022.
- The breach of planning control as alleged in the notice is failure to comply with conditions 2 & 3 imposed on a planning permission ref: 16/1656/FUL granted on 3 February 2017.
- The development to which the permission relates is: erection of a hay barn.
- The conditions in question are; no.2. which states that *The development hereby approved shall be built in strict accordance with the following plans:- Location Plan – Drwg no B16/23/L01*; and no.3. which states that *Notwithstanding the materials indicated on the planning application forms and approved plans, the proposed development shall not be commenced until details of the materials and colour to be used on all external elevations and roofs have been submitted to and agreed in writing by the District Planning Authority. The development shall be carried out in strict accordance with the approved details.*
- The notice alleges that the conditions have not been complied with in that the hay barn now only has one small opening on the front elevation as opposed to all sides being open as shown on approved plan New Hay Barn – Drwg no. B16/23/P01B – 01-02-17. In addition it has been erected using materials including grey blockwork, red brickwork and timber, as opposed to Cemsix Big Six Corrugated Fibre Cement Sheets colour Natural Grey, which were approved under discharge of condition application reference 18/1697/DOC.
- The requirement of the notice is to remove from all four elevations all unauthorised materials (grey blockwork, red brickwork and timber) and complete all four elevations in strict accordance with the approved plan New Hay Barn – Drwg no B16/23/P01B – 01-02-17 approved under planning permission 16/1656/FUL; and in Cemsix Big Six Corrugated Fibre Cement Sheets colour Natural Grey as approved under discharge of condition application reference 18/1697/DOC.
- The period for compliance with the requirement is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the erection of a hay barn without complying with conditions nos.2 and 3 of the planning permission (ref: 16/1656/FUL) granted by Blaby District Council on 3 February 2017 but subject to the other conditions attached to that permission.

The appeal on ground (a) and the deemed application

2. The main issue is the impact of the development on the character and appearance of the area.
3. The appeal site is in a rural location a short distance from the village of Sapcote. It forms part of a small group of buildings which include a large, timber stable block and a small dwelling known as The Old Blacksmith's Workshop, which is currently a holiday let.
4. The siting and size of the hay barn are as approved under planning permission 16/1656/FUL granted by the Council in February 2017. The roof is clad in grey sheeting as approved under discharge of condition application reference 18/1697/DOC. The essential differences from the barn as approved are first, the upper half of each elevation would have been clad with grey cement sheeting; instead, it is clad with vertical timber boarding with aeration gaps. Second, the lower half of all elevations would have remained open sided; instead, the lower half of the rear elevation is clad in blockwork and the lower half of the front and side elevations are clad in red brickwork, save for the large, central bay of the front elevation, which remains open.
5. The Development Plan includes the Blaby District Local Plan (Core Strategy) DPD 2013, the Blaby District Local Plan (Delivery) DPD 2019 and the Fosse Villages Neighbourhood Plan 2021. Policies are designed to ensure development is in keeping with the character of local buildings and their landscape context. The Blaby Landscape and Settlement Character Assessment (2020) for this part of the District indicates that *"Numerous farms with metal agricultural buildings are scattered throughout the LGA. Most buildings are a mix of red brick, render and clad buildings with some older structures constructed of granite."*
6. The appeal site is visible from the adjacent bridleway and also in longer distant views from Leicester Road. I saw that, in the immediate locality of the appeal site, one of the adjacent buildings is timber clad and the other faced in brick and render. There are many examples of brick clad farm buildings in the wider area. To my mind, the materials used to clad the appeal building appear appropriate for this rural setting.
7. The Council pointed to the presence of a metal clad barn on another part of the appellant's land holding. However, given the range of facing materials in the locality, I see no reason why this should be considered to be the only option available at the appeal site.
8. In terms of the additional degree of enclosure of most of the lower half of the building, this does not appear to be at odds with its intended use as a hay barn. Neither does this additional enclosure, plus the formation of 'window like apertures' in the brickwork appear to make the building significantly more residential and urban in nature. In any event, condition no.3 of the 2017 permission states that *"The barn hereby approved shall be used for the storage of hay, straw and associated equine equipment and shall not be used for any other purpose, including livery or in conjunction with a riding school."* Even if this condition were not in place, planning permission would be required for a material change of use or for development that would materially affect the external appearance of the building.

9. In conclusion, I find that the breach of conditions 2 & 3 imposed on planning permission ref: 16/1656/FUL does not unduly harm either the character or appearance of this rural locality and does not conflict with the provisions of the development plan. Accordingly, the appeal on ground (a) and the deemed application succeed and I shall therefore quash the notice.

The appeal on ground (g)

10. In the light of my conclusion above, the appeal on ground (g) does not fall to be determined.

B S Rogers

INSPECTOR