



Appeal Decision

Site visit made on 8 February 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/E3715/W/22/3305282

57 Moat Farm Drive, Hillmorton, Rugby CV21 4HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr T Webb against the decision of Rugby Borough Council.
 - The application Ref R22/0001, dated 24 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is a machinery and wine processing store.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for a machinery and wine processing store at 57 Moat Farm Drive, Hillmorton, Rugby CV21 4HQ in accordance with the terms of the application, R22/0001, including the plans submitted with it.

Application for costs

2. An application for costs was made by Mr T Webb against Rugby Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits works for the erection, extension or alteration of a building or any excavation or engineering operations which are reasonably necessary for the purposes of agriculture, subject to a number of criteria. As set out in the GPDO, the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

Main Issue

4. The main issue is whether the proposed development would be granted planning permission by the GPDO with regard to the siting, design and external appearance of the building.

Reasons

5. The appeal site comprises a grassed area of land next to a building associated with the appellant's existing business. In front of the site is a large area of hardstanding and a track leading to Barby Lane. The existing building is loosely

- enclosed by belts of trees and planting. In the field to the north vines have been planted and the wider area is characterised by fields and pastureland.
6. The site lies on the edge of the Rainsbrook Valley - a plateau fringe landscape on ground that slopes towards the river valley. I have been directed to the Rainsbrook Valley Landscape Sensitivity Assessment which sets out that the area comprises recreational land, fields and pastureland with belts of vegetation. The assessment states that the landscape is highly sensitive to change, in relation to housing development, on account of its openness. No such assessment appears to have been made in respect of other development.
 7. Whilst the valley is an attractive landscape, it is not subject to any local or national designation. The landscape is not devoid of development and includes agricultural buildings and scattered dwellings. Moreover, the buildings and floodlights of the Rugby Borough Football club are a notable presence in the local landscape.
 8. The proposed development would have similar dimensions and an agricultural appearance to the building it would sit next to. Whilst the proposal would result in additional built form, I share the appellant's view that clusters of agricultural buildings are not uncommon in rural landscapes including the surrounding one.
 9. In longer range views including from nearby Rights of Ways there would be views of the building proposed, but these would be glimpsed, screened by intervening trees and vegetation. Given its scale, siting and appearance the proposed building would not be visually prominent from within the surrounding area.
 10. Although the surrounding fields are open the building would be located some distance from Barby Lane. Due to the screening that is present along the roadside and within the wider site the proposed building would not be highly visible from the road when travelling in either direction, even during autumn or winter when most of the foliage would not be present.
 11. The proposal would be confined to a small area and a significant amount of open land would be retained around both buildings. In my view, it would not result in coalescence between the site and Rugby as the wider landscape and other gaps along the built-up edge of the town would remain.
 12. The Council has made reference to the development encroaching into a Green and Blue Infrastructure Corridor. However, no evidence has been submitted to substantiate what impact this would have upon the corridor. As such, I give this element of the Council's argument negligible weight in coming to my decision.
 13. For these reasons the proposed development would not appear as a visually prominent or intrusive feature in the landscape in isolation or in combination with the existing building. I am satisfied that it would not unacceptably affect the landscape of the Rainsbrook Valley.
 14. I conclude that the proposed siting, design and external appearance of the development are acceptable and would not adversely affect the character and appearance of the area.

Conditions

15. Schedule 2, Part 6, Class A of the GPDO does not provide any specific authority for imposing additional conditions beyond those outlined in A.2. The specified conditions include a timescale for implementation; the development to be carried out in accordance with the details submitted (which include plans, details of external materials and landscaping), and the building to be removed if it ceases to be used for the purposes of agriculture and the land restored to its condition before the development took place.
16. Therefore, it is not necessary to impose conditions beyond those specified in the GPDO.

Conclusion

17. For the reasons set out above the appeal succeeds and prior approval is granted.

B Thandi

INSPECTOR