



Appeal Decision

Site visit made on 1 March 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/J0405/W/22/3306335

The Paddocks Farm, Blackgrove Road, Quainton HP22 4RJ

- 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 Wicks of Wicks Agri Ltd against the decision of Buckinghamshire Council.
 - The application Ref 22/01753/APP, dated 12 May 2022, was refused by notice dated 9 August 2022.
 - The development proposed is erection of agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of agricultural building at The Paddocks Farm, Blackgrove Road, Quainton HP22 4RJ in accordance with the terms of the application, Ref 22/01753/APP, dated 12 May 2022, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. A building has been constructed on the appeal site. However, this is not the building for which planning permission is sought and it is different with regard to its size and roof. For the avoidance of doubt this has had no bearing on my decision and I have determined the application in accordance with the submitted plans.
3. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine the lawful use of any buildings. However, I shall consider evidence as to use in so far as it is material to this appeal. If the appellant wishes to ascertain the lawful use, they may make an application under section 191 or 192 of the Act.

Main Issues

4. The main issues are whether there is an agricultural need for the proposed development and the effect of the proposed development on the character and appearance of the area.

Reasons

Agricultural Need

5. Policy E9 of the Vale of Aylesbury Local Plan (2021) (VALP) sets criteria as to where new agricultural buildings will be permitted. Of relevance to this appeal, point a requires that 'the development is necessary for the purposes of agriculture on the unit'. Policy WAD1 of the Waddesdon Parish Neighbourhood

Plan 2013-2033 (2017) (NP) requires that development outside the settlement boundary must be necessary for the purposes of agriculture, amongst other things.

6. Paddocks farm is used by an agricultural and contracting business. There are two main buildings associated with this, a single storey wooden stable block (the stables) and a larger, mainly metal barn (the barn). It is put to me that these are fully utilised in association with the contracting and agricultural business use. The extent of keeping of livestock is disputed by the Council. The appellant states that the farming operations on this site currently support 200 head of sheep, cattle and chickens and produce 40 acres of hay within the 45 acre holding. Sheep and chickens were on site at the time of my visit.
7. The proposed building is required to keep livestock, as both winter housing and a lambing shed, and a secure storage facility for feed and other materials. Given the evidence before me regarding the agricultural use, I am satisfied that a building for livestock and associated storage is necessary for the purposes of agriculture on this unit.
8. The stables are nearing the end of their useful life, are no longer weather proof and suffer from bees and vermin. As such they would not be able to provide this function in the future. The appeal therefore seeks its replacement with a more suitable building. A condition is suggested which would ensure that the stables would be demolished and the proposed development would comprise a replacement, not an additional, building. Furthermore, given the policy requirements set out above, as well as the current use of the site, a condition requiring that the building would be used for agricultural use only would also be necessary in the event that the appeal were allowed.
9. There is dispute between the main parties as to whether the barn should be used for solely agricultural use and could therefore provide for these requirements without the need for a new building. The original permission for the barn was for an agricultural building. However, it is the appellant's view that the barn is being lawfully fully utilised by the contracting and agricultural business. Furthermore, it falls outside of the ownership boundary indicated on the site plan. Taking all the above into account, based on the evidence before me now, it is unlikely that the barn would be used for the agricultural uses proposed. As such there remains a need for a building on this unit to provide for the keeping of livestock and associated storage.
10. Consequently, the proposed development is necessary for the purposes of agriculture on the unit. As such, it would be in accordance with policies E9 of the VALP and WAD1 of the NP, the aims of which are set out above.

Character and Appearance

11. The appeal site is part of the existing farm yard which is mainly laid to hardstanding with two existing buildings, described above, which have an agricultural appearance. The yard area is surrounded by open fields, although there is a commercial use on the northern side of the site and further to the south there are other buildings. The appeal site is directly adjacent to an Area of Attractive Landscape (AAL) which appears to relate to the surrounding picturesque rural landscape. This results in the appearance of a traditional farm yard set generally within an attractive wider open countryside setting.

12. The proposed development would be a permanent brick building with a single entrance with window openings to the front and rear, and a low monopitched roof. Its floorspace would be around 100sqm, smaller than the existing stables which would be removed.
13. The appeal scheme would sit within the more developed yard area of the site and close to the neighbouring commercial use. The existing stables would be demolished and therefore the proposed building would not increase the amount of built development in this location. This could be secured by condition. Whilst the design is not archetypally agricultural, its low height, limited size and position within the yard mean it would appear as an appropriate building in this rural setting, suitable in the context of the farmyard appearance of this part of the site.
14. Therefore, the proposed development would have an acceptable effect on the character and appearance of the area. As such it would be in accordance with Policies E9, BE2 and NE4 of the VALP. Together these set criteria for considering good design both in general and with respect to agricultural buildings as well as the characteristics of landscape character, particularly with regard to AALs.

Conditions

15. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework (2021) and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
16. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring the scheme to be built in accordance with the specified materials and details of the proposed landscaping would be necessary to preserve the character and appearance of the area. However, I have altered the timing of the requirements for landscaping details in order to ensure that the conditions would not unnecessarily delay the delivery of development. A biodiversity feature is required in the interests of biodiversity.
17. Conditions requiring that the building is only for agricultural use, and that the stables are removed prior to the use of the building are necessary as described in my reasoning above. In order to avoid the proliferation of buildings the stables should be removed as soon as possible once work on the new building commences. However, taking into account animal welfare, a minimum period of 1 month from first use of the new building is a reasonable timescale for the removal of the stables in this case.

Conclusion

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

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and the following approved plans; Location Plan [Unnumbered], Layout Plan 1:500 [Unnumbered] & Floor Plan & Elevations [Unnumbered].
- 3) No above ground level development shall take place until both soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out within the first planting season following the approval and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) Prior to the first use of the building hereby permitted a biodiversity feature comprising 2 House Martin nestcup positioned beneath the eaves of the building at a minimum height of 2 m, on a northerly aspect/orientation (north, north-east and north-west) shall be installed. Nest cups should avoid positioning above doorways. The feature shall have been installed prior to first use of the building hereby permitted and retained thereafter.
- 5) Within 1 month of the first use of the building hereby permitted, the stables which are the subject of planning permission 03/00460/APP shall be removed.
- 6) The materials to be used in the development shall be as specified on the submitted application form.
- 7) The building hereby permitted shall be used for agricultural use and for no other purpose.