



Appeal Decision

Site Visit made on 7 March 2023

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/J1915/W/22/3298914

**Goldings Estate Rare Breeds Farm, Ltd, Bramfield Road, Hertford
SG14 2HZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Ms Morag Tait, Goldings Farm Rare Breeds Farm Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/21/2844/AGPN, dated 11 November 2021, was refused by notice dated 9 December 2021.
 - The development proposed is erection of an agricultural barn.
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1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposed development falls within the scope of permitted development under Schedule 2, Part 6, Class A of the GPDO, with particular regard to whether it would be reasonably necessary for the purposes of agriculture within its agricultural unit; and, if so
 - The suitability of the siting, design and external appearance of the proposal, with particular regard to whether it would preserve a) the significance of the Goldings Grade II registered park and garden and b) the setting of the Goldings Grade II* listed building.

Reasons

Whether permitted development

3. Under Schedule 2, Part 6 Class A of the GPDO, for erection of a building on agricultural land that is comprised in an agricultural unit of 5 hectares or more to be permitted development, it must be reasonably necessary for the purposes of agriculture within that unit.
4. It is undisputed that livestock are kept on the site, and the presence of sheep, cattle and pigs during my visit indicated this. As such, the appeal site may be considered as agricultural land occupied as a unit for the purposes of agriculture. Also, it is undisputed that the site is more than five hectares in size. As such, it is necessary to consider whether the proposed barn is reasonably necessary for the purposes of agriculture, which is a matter of dispute between the main parties in this case.

5. Up to the maximum permitted footprint for the Class, the *McKay & Walker* judgment¹ held that building size was irrelevant in deciding whether a building was reasonably necessary. As such, in line with the approach set out by *McKay & Walker*, I am not obliged to consider whether a smaller barn than that proposed would suffice, in assessing whether the proposed building would be reasonably necessary for the purposes of agriculture.
6. Moreover, I see a rationale in the appellant's evidence that the proposed barn would help meet need for convenient, economical and secure storage of feed and bedding for livestock on the site, and associated agricultural vehicles and equipment. There is a variety of existing single storey accommodation buildings and livestock shelter on the site. Compared to the proposed barn, existing buildings and structures are smaller scale and they would not provide comparably unified, spacious, secure, purpose-built storage for agricultural feed, bedding, vehicles and equipment. As such, it is unlikely that existing buildings on the site would provide a practical alternative to the proposed barn, for the storage purposes sought.
7. Given the above, I conclude that the proposed development would be reasonably necessary for the purposes of agriculture within its agricultural unit, and thus falls within the scope of permitted development under Schedule 2, Part 6, Class A of the GPDO.
8. The above does not preclude consideration of the visual impression of the proposed building, under the second main issue, to which I now turn.

Siting, design and external appearance, in relation to heritage assets

9. Under Schedule 2, Part 6, Class A, Condition A.2-(2)(i) of the GPDO, it is necessary to assess factors including the siting, design and external appearance of the proposed barn building.
10. Heritage Assets Policies HA1, HA7 and HA8 of the East Herts District Plan, and Part 16 of the National Planning Policy Framework (the Framework) provide useful reference points for assessing heritage aspects of this main issue. Together, these policies cover matters including assessment of effect on heritage assets, and public benefit.
11. The proposed barn's location is towards the southern end of the Goldings Grade II registered park and garden (RPG). The RPG is a park and pleasure grounds, that includes and is contemporary with the Grade II* Goldings listed building, which is a large Victorian, Tudor-style country house building.
12. This country house building and the proposed barn location are situated on brows of land within the RPG, facing towards each other across the valley of a meandering watercourse, and its pastoral landscape. Notwithstanding the approximately 1km distance between them, the country house building and proposed barn's location are in relatively elevated position in relation to the open, scenic vale between them. This means that both the listed country house building and proposed barn's location are relatively prominently located within the RPG's historic landscape, with intervisibility across the vale between them. Also, tree belts towards the south-western and eastern edges of the RPG help frame the scenic vale.

¹ *McKay & Walker v SSE & South Cambridgeshire DC* [1989] JPL 59018.

13. Notwithstanding the presence of several single storey structures which the appellant describes as temporary, in the vicinity of the proposed barn's location, the RPG's combination of verdancy, spaciousness and relative freedom from modern development contribute to its distinctive character.
14. Given the above, the special interest of the listed Goldings country house building lies in the legibility of its Victorian country mansion architecture and identity. And the special interest of the RPG, insofar as it relates to this appeal, lies in the historic relationship, experienced in pleasure-giving views of the scenic vale, between the Goldings country house and its historic pastoral landscape setting. Herein lies the significance of the heritage assets in this case. The RPG's combination of verdancy, spaciousness and relative freedom from modern development contributes to the historic pastoral character of the RPG and the setting of the Goldings country house building.
15. The proposed barn would add a substantial modern agricultural building, more than 36m wide and 7.8m high, to the RPG. This would be in a relatively prominent location in the RPG on a brow across the vale from Goldings country house. Furthermore, the proximity of the proposed barn to part of the tree belt behind it may well result in damaging incursion into the root zone of trees in the belt, and invite future pressure for disfiguring pruning or removal of them. No substantive arboricultural impact assessment of the proposed development, for example, is presented to decisively demonstrate otherwise.
16. As such, the proposed barn would jarringly disrupt and erode the verdant, spacious and historic landscape character of the RPG, including in views from Goldings Country house and various points in its vicinity. Given the scale of the proposed development, I find that it would result in less than substantial harm to the significance of the designated heritage assets, which would nevertheless be of considerable importance and weight.
17. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of designated heritage assets.
18. The proposed barn would help support the operation of the rare breeds farm business, and the pastoral activity of grazing livestock in the RPG, with associated environmentally aware countryside stewardship, to help towards achieving the strategy and guidelines for managing change in the Lower Beane Valley Landscape Character Area².
19. However, that said, it is not decisively shown that the proposed barn is the minimum, or most sensitively located and designed building necessary to sustain sympathetic pastoral activity in the historic landscape. Also, notwithstanding the appellant's stated intention to remove various smaller structures from the site, it is not demonstrably certain that this would happen. Given the above, the scale of public benefit would be limited and not sufficient to outweigh the totality of identified harm to heritage assets.
20. Thus, the proposal would fail to preserve the significance of the Goldings Grade II registered park and garden, and the setting of the Goldings Grade II* listed building. This would fail to satisfy Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, the Framework and relevant development

² Which is set out in the East Herts Landscape Character and Assessment Supplementary Planning Document.

plan policies. Therefore, the proposal would result in development that would not be suitably sited and designed.

Conclusion

21. For the reasons given above, I conclude that the appeal is dismissed.

William Cooper

INSPECTOR