



Appeal Decision

Site visit made on 28 February 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/G2245/W/22/3297968

Land adjacent Kane, Otford Lane, Halstead, Sevenoaks TN14 7EF

- 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 J Kennedy against the decision of Sevenoaks District Council.
 - The application Ref 21/03431/FUL, dated 14 October 2021, was refused by notice dated 17 February 2022.
 - The development proposed is three standard containers and area of hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for three standard containers and area of hardstanding at land adjacent Kane, Otford Lane, Halstead, Sevenoaks TN14 7EF in accordance with the terms of the application, Ref 21/03431/FUL, dated 14 October 2021, subject to conditions set out in the attached schedule of conditions.

Preliminary Matters

2. At the time of my site visit, I saw that the containers and hard standing were already in place. I have therefore dealt with the appeal on this basis, albeit omitting the text 'retention of' from the description of development because such words do not describe acts of development.

Main Issue

3. The main issue is whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies.

Reasons

4. The appeal site is situated in the Metropolitan Green Belt. Paragraph 149 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions to this is "*buildings for agriculture and forestry*".
5. The Council confirm that the land within the red line boundary of the site is in agricultural use and the appellant has outlined that the existing agricultural land adjacent to the application site is used for growing and cropping hay. The appellant also indicates their intention to manage an orchard area to the west of the appeal site. The containers are said to be required for securely storing all the equipment necessary to maintain the appeal site and adjacent land.

6. The Council's Agricultural Advisor suggests that the usual types of tractor and associated equipment for haymaking could not be conveniently stored in the containers and that contractors/local farmers would commonly carry out hay cropping work on such parcels of land. They also state that the equipment that the appellant identified for storage would appear to be more akin to smaller scale equipment for the general maintenance of the land, rather than for agricultural purposes, or for other works undertaken elsewhere.
7. Be that as it may, the relevant exception in the Framework relates to buildings for agriculture and forestry and does not include considerations such as a building's suitability or whether it is necessary or not for the purposes of agriculture. It has also been put to me that the type of machinery and equipment required has been determined by the size of the land and the type of activities to be undertaken.
8. In this instance, the agricultural land is small scale and the appellant suggests that their farming activities do not require heavy industrialised equipment. In my view, the small containers can reasonably be described as appropriate facilities to be used in conjunction with agriculture. Accordingly, based on the evidence presented, the containers applied for are for an agricultural purpose, and are sited within an existing agricultural operation. I therefore consider that the proposal meets the exception set out in paragraph 149 of the Framework and is therefore not inappropriate development in the Green Belt.
9. An interested party observed that the containers appeared to be used for the storage of building materials and at the time of the Council's site visit, building materials including a skip were present on site. However, these were not present at the time of my site visit, and I saw nothing to suggest that the containers were not being used for agricultural purposes. Additionally, I have imposed the Council's suggested condition which requires that the containers are used only for the storage of agricultural equipment. This would prevent the use of the containers for the storage of building materials or any other non-agricultural equipment.
10. The proposal therefore meets the terms of the most relevant exception to inappropriate development within the Green Belt. Accordingly, I find no conflict with the relevant part of the Framework which, amongst other things, seeks to prevent inappropriate development from occurring in the Green Belt. The Council has not identified any Local Plan policies relevant to this main issue nor alleged a conflict with any Local Plan policies.
11. As the proposal is not inappropriate development, there is no need to consider the effect of the proposal on the openness of the Green Belt, nor is there any requirement to demonstrate very special circumstances to justify the development.

Conditions

12. I have had regard to the two planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
13. I have imposed an approved plans condition in the interests of certainty.

14. I have also imposed a condition requiring that the containers are used only for agricultural storage to ensure that the development is not inappropriate to its Green Belt location. However, I have modified the wording so that the equipment can be used in connection with the adjacent agricultural land, rather than the very small area of land within the application site because there is no reason to restrict it in this manner.

Conclusion

15. The proposal would not be inappropriate development in the Green Belt. For the above reasons, and having had regard to all other matters raised, I conclude that the development accords with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted is that shown on the following approved plans and details: Drawing Numbers 01/A- Site Location Plan; 02/A - Block Plan; 03/A – Aerial View and 04/A - Shipping Container Floor Plan and Elevations.
- 2) The containers hereby permitted shall be used for the storage of agricultural equipment used in connection with the management of agricultural land. No other equipment shall be stored on the site at any time.

END OF SCHEDULE

