



Appeal Decision

Site visit made on 6 April 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/M3645/W/22/3306260

Blue Meadow, Birchwood Lane, Chaldon CR3 5DQ

- 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 Mrs E Smith against the decision of Tandridge District Council.
 - The application Ref TA/2021/2220, dated 23 December 2021, was refused by notice dated 4 March 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 Blue Meadow, Birchwood Lane, Chaldon CR3 5DQ in accordance with the terms of the planning application Ref. TA/2021/2220 dated 23 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans/drawings: 3547-PL-01 (Location Plan); 3547-PL-02 (Proposed Site Plan); 3547-PL-03 (Proposed Floor Plans + Elevations); 3547-PL-04 (Proposed Floor Plans + Elevations).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the approved plans.
 - 4) Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the building shall only be used for agricultural purposes and no change of use occur without planning permission first being obtained.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt; and,
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Inappropriate development

3. Paragraph 137 of the National Planning Policy Framework (2021) (the Framework) identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework identifies the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to exceptions listed in paragraphs 149 and 150, including buildings for agriculture and forestry at paragraph 149a).
4. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the TLP) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. This is reflective of the approach in paragraph 147 of the Framework. Policy DP13 of the TLP states that unless very special circumstances are clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt, subject to certain exceptions. This includes buildings directly related to agriculture. This approach is similar to paragraph 149 of the Framework.
5. The Council's view is the floorspace would be appropriate to a herd of 69 nannies, although question the necessity of the height, and its position. It considered there was insufficient evidence with the application that an enterprise of the suggested scale exists. In consequence, it took the view it was not demonstrated the development was necessary for agriculture.
6. The appellant has provided further details of the Greendale Brook food business registration and website through which goat meat and corn can be purchased. Correspondence from a veterinary surgeon states the appellant has a goat herd of in excess of 60 Boer goats for producing meat. It states the building is necessary to provide a sufficient size area to ensure space to separate male and female goats, sufficient separate pens for kidding and nannie/kid bonding, avoid food competition within groups, is essential to protect the future of the farm, and will have positive effects upon animal health and welfare. This includes housing goats including during kidding, sickness, and foot trimming.
7. The building orientation is primarily guided by needing to maximise shelter from the sun and provide shade for much of the day. While it might not fully shelter animals from weather from the northeast, such events would only be a limited part of overall weather patterns. The development would ensure the herd could be kept under conditions recommended by the Animal Welfare Foundation and British Goat Society. This includes providing a dry space, reducing temperature variations, preventing mud building between the claws, dampness underfoot, and preventing foot rot to which Boer goats are prone. The height is necessary for ventilation to ensure healthy conditions for the animals and the levels of heat and moisture they produce.
8. The hardstanding would be a modest flat extension front of the building gates to prevent ground churn and mud. The Council has not fully explained how it has considered this aspect of the proposal, other than that it would affect openness. Given its modest size, function and continuity with the building floor, the hardstanding constitutes proportionate ancillary works that as a

matter of fact and degree are part of the building for agricultural purposes to be considered under paragraph 149a), and not a separate operation.

9. At my visit an existing building was in an agricultural use, housing agricultural machinery, paraphernalia and in excess of 50 adult and young goats. A variety of agricultural machinery and paraphernalia was present on the holding. There was pastureland used by animals and fields from which crops had been harvested. Based on my observations, and the substantive evidence before me, there is clear evidence of a farming enterprise of some size operating from this site, and that this proposal is needed for and directly related to agriculture. Therefore, for the reasons set out above the proposed development falls within the exception at paragraph 149a) of the Framework.
10. The Council did not provide further comment in response to the further appeal evidence. It also appears some of the evidence might not be dissimilar to that provided for a nearby building on the holding for a different agricultural purpose. That proposal was judged to be permitted development under Class A of Part 6 of the Town & Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) as it was concluded it was reasonably necessary, and the land was in use for agriculture for a trade or business.
11. The Framework does not require proposals to demonstrate that there is a genuine agricultural need or that the building is necessary for purposes of agriculture. I have determined this appeal as applied for. However, I consider that it is demonstrated the building is directly related to agriculture and an agricultural need is demonstrated.
12. Therefore, for the reasons set out above the proposal would not be inappropriate development in the Green Belt. It does not conflict with Policies DP10 and DP13 of the TLP, or paragraphs 147 and 149 of the Framework, the relevant provisions of which I have set out above. As I have found it is not inappropriate development, there is no need to assess the effect upon openness, or, whether there are other considerations and whether they amount to very special circumstances to justify the development.

Character and appearance

13. The character and appearance of the area and the landscape is characterised by rolling hills of fields defined by post and rail fencing, hedgerows and woodland areas punctuated by dwellings, ancillary buildings, farmsteads and other rural buildings. These are inherent elements of the landscape character. The appeal site holding contributes to this by virtue of its open fields, fencing, hedgerows, the dwelling and agricultural buildings. It is in keeping with and makes a neutral contribution to the character and appearance of the area.
14. The scale and appearance of the building is primarily led by its functional agricultural requirements. However, it would be similar to and not appear unduly large or high in scale or size in relation to other nearby appeal site buildings. The functional appearance including part concrete part vertical boarded elevations would not be out of keeping with similar such buildings in the wider area. Moreover, in my view the boarded elevations would appear more sympathetic to the local landscape than some in the area.
15. The position would mean it would be viewed against higher land and landscape features to its rear. It would relate well to the landscape and the neighbouring

barn and hardstanding, and result in it being viewed as part of a small broad cluster of buildings. As a matter of planning judgement, the development would not be harmful to and would protect, conserve and reflect the character and appearance of the area and landscape. Having regard to my findings above, the Council has not highlighted specific parts and there is nothing highlighted before me to suggest the Caterham, Chaldon and Whyteleafe Neighbourhood Plan Design Guidelines or any adopted Supplementary Planning Documents would be offended by the proposal.

16. For the reasons set out above, the proposed development would be in keeping with and would not be harmful to the character and appearance of the area. It would not conflict with the aims of Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008), Policy DP7 of the TLP and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021). In combination and amongst other things these policies require that development is of a high standard of design that reflects, respects, protects or enhances the character, setting, context and local landscape character.

Other Matters

17. The Council has concluded the proposal would not result in harmful living conditions to the appeal site occupiers or neighbouring occupiers, and it would not have a material effect upon highway safety or the operation of the public highway. Having regard to the position and nature of the proposal and based upon the evidence before me I see no reason to disagree.

Conditions

18. Conditions specifying the time limit and plans are necessary in the interests of certainty. A condition to require the materials are as set out on the plans is necessary in the interests of the character and appearance of the area. A condition to control the use of the building is necessary as it has only been permitted because it is an agricultural building and in the interests of the character and appearance of the area.

Conclusion

19. The development is compliant with the development plan and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan and the Framework. Therefore, for the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR