



Appeal Decision

Site visit made on 23 March 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/B3030/W/22/3307920

Holme Farm, Main Street, Maplebeck, Nottinghamshire NG22 0BS

- 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 Combellack against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01366/FUL, dated 11 July 2022, was refused by notice dated 25 August 2022.
 - The development proposed is the erection of agricultural storage building to store combine harvester.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural storage building at Holme Farm, Main Street, Maplebeck, Nottinghamshire, NG22 0BS in accordance with the terms of the application, Ref 22/01366/FUL, dated 11 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RHA2015-0200 Location Plan; RHA2015-0210 Site Plan As Proposed; RHA2015-0211 Block Plan; RHA2015-0212 Site Plan As Proposed; RHA2015-0213 Barn Plans As Proposed; RHA2015-0215 Barn Elevations As Proposed; RHA2015-0216 Indicative Drainage Plan.
 - 3) The development hereby permitted shall be carried out in accordance with the materials shown on plan no. RHA2015-0215.

Preliminary Matters

2. Notwithstanding the description of development in the heading above which has been taken from the application form, the development is described on the decision notice and appeal form as 'erection of agricultural storage building'. I have used that description in my decision.

Main Issues

3. The main issues are:
 - whether there is an agricultural justification for the proposed development; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Agricultural Justification

4. The appeal site is located in part of a field which is within the appellant's ownership/control. It is accessed via an unmade track from Maplebeck. The submitted plans show the site located close to a menage which has a stable block on its other side. Neither had been developed at the time of my site visit. There is a menage and stable block in the adjacent field which is in separate ownership. At the time of my site visit, the field in which the appeal site is located comprised mainly grass. There was a chicken coop, what appeared to be the frame of a relatively small structure and a small digger.
5. Policy DM8 of the Newark & Sherwood Allocations & Development Management Development Plan Document, adopted 2013 (the DPD) relates to development in the countryside. Part 1 of the policy allows for agricultural and forestry development, with proposals being required to explain the need for the development, its siting and scale in relation to the use it is intended to serve.
6. There is conflict between the two main parties as to whether the building would have an agricultural purpose. The keeping and riding of horses is generally accepted to be an outdoor countryside pursuit and so could reasonably be considered as a recreational use. In this regard therefore, the fact that the Council's reason for refusal refers to the proposed building forming an extension to the approved equestrian use rather than recreational use as per the description of development on the planning permissions¹ granted for the timber stable and menage does not of itself negate the Council's position.
7. The description of development for the two aforementioned permissions refers to a change of use of the land, which lies adjacent to the appeal site, from agricultural to recreational use. The associated plans identify the extent of the land subject to this change of use, and this does not include the appeal site. Nevertheless, there is no evidence before me to indicate that the appeal site or the wider field in which it sits are part of an agricultural unit.
8. I appreciate that the definition of 'agricultural land' in Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) implies that there must be a trade or business element in order for land to be considered as such. However, this definition is within the specific context of permitted development rights for agricultural developments. The definition of agriculture provided in section 336 of the Town and Country Planning Act 1990 sets out examples of agricultural activities, which, as the appellant identifies, includes 'seed growing'.
9. However, while the proposed building appears to have been designed for the storage of the equipment concerned, the evidence indicates that the purpose of the product that the equipment would be used for would be mainly the appellant's own interests. Although the appellant states that there may be more grown than required for their personal use, based on the submitted evidence, this would appear to be a subordinate purpose.
10. Based on the evidence before me, I am not persuaded that the building would be an agricultural development. In my view, the building would be more for the personal needs of the appellant related to the recreational use associated with

¹ References 21/02677/FUL (allowed on appeal) and 22/00563/FUL

the keeping of horses rather than for agricultural purposes. Within this context, I conclude that there would not be an agricultural justification for the proposed development. The proposal would not therefore accord with the requirements of part 1 of Policy DM8 of the DPD.

11. However, part 7 of Policy DM8 allows for domestic equestrian uses and associated buildings provided that the design criteria in Policy DM5 of the DPD are met. Policy DM5 requires new development to reflect the rich local distinctiveness of the District's landscape and character of built form. This is a matter to which I now turn.

Character and Appearance

12. Policy DM5 of the DPD requires that local distinctiveness should be reflected in the scale, form, mass, layout, design, materials and detailing of new development. In accordance with Core Policy 13 of the Newark and Sherwood Amended Core Strategy, adopted 2019 (the ACS), proposals will be considered against the assessments in the 2013 Landscape Character Assessment Supplementary Planning Document (the SPD).
13. The site lies within the Mid Nottinghamshire Farmlands Landscape Character Area and the Maplebeck Village Farmlands with Ancient Woodlands policy zone identified in the SPD. It is described as a gently undulating and rounded landform with relatively open, medium distance views. There are some smaller fields of pasture and grazing generally in the vicinity of settlements. Lanes and tracks are often sunken, hedgerows bounding roads and tracks tend to be mature and topography in places often limits views to within the policy zone. Drivers for change include fragmentation of the hedgerows leading to a loss of existing historic field pattern; horsey culture infringing into fields; development to the periphery of settlements and the development of buildings associated with scattered farms throughout the area. Landscape sensitivity is defined as high, with a landscape action of 'conserve', including by limiting development due to the likelihood of a high impact on character.
14. The appeal site sits above the village and within a relatively flat field that is mainly bounded by hedgerows interspersed with some trees. The appeal site and field within which it sits display a number of the key landscape characteristics, and so contribute positively to the character and appearance of the area.
15. The proposed building would be of a relatively modest size. It would be a building type and form which would not be incongruous in this rural setting. The proposed materials would be consistent with those used in the locality, as would its overall scale. As such, the proposed development would not represent an unexpected or alien feature. It would have some visibility from a number of properties within the village. However, more general views from the surrounding area would be limited due to the screening effect of the topography and the boundary hedging.
16. The proposed building would add built development within an open countryside location. However, it would be seen as part of a cluster of development with the nearby stables and menages and would not be an unduly prominent or inharmonious feature. Open pasture/grazing land and boundary hedgerows would still largely dominate the setting. Consequently, the proposed

development would not significantly erode the characteristics of the local landscape.

17. I therefore conclude that the proposed development would not have an unacceptably harmful effect on the character and appearance of the area. Accordingly, it would not conflict with Policy DM5 and part 7 of Policy DM8 of the DPD or Core Policies 9 and 13 of the ACS, where these policies seek to ensure that development does not have a detrimental impact on the character of the location or its landscape setting. There would also be no conflict with the National Planning Policy Framework (the Framework) where it seeks to ensure that development is sympathetic to local character, or the guidance in the SPD.

Other Matters

18. The appeal site is near to the Maplebeck Conservation Area (CA). Part of the setting of the CA is the open rural landscape around the village, including where the site is located. There would be some intervisibility of the proposed development with the CA. However, due to its location, scale and design, the character and appearance of the CA would be preserved.

Conditions

19. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
20. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans. Furthermore, a condition requiring the use of the specified materials is necessary in the interests of protecting character and appearance.

Conclusion

21. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR