



Appeal Decision

Site visits made on 23 May and 14 June 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2023

Appeal Ref: APP/J0405/W/22/3310666
Valley Farm, Charndon, BICESTER, OX27 0BL

- 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 Simon Haigh against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 22/00607/APP, dated 17 February 2022, was refused by notice dated 26 May 2022.
 - The development proposed is the erection of new portal frame agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new portal frame agricultural building at Valley Farm, Charndon, BICESTER, OX27 0BL, in accordance with the terms of application Ref 22/00607/APP, dated 17 February 2022, and the plan submitted with it, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The reasons for refusal include a second reason which is concerned with whether the proposed development would be likely to effect protected species in the vicinity of the site. The appellant says that a Precautionary Method Statement regarding Great Crested Newts was submitted to the Council on the 5 April 2022 but the decision to refuse did not take this assessment into account. The Council now advises that the information submitted overcomes the second reason for refusal and where appropriate conditions can be imposed to resolve the issue. I therefore do not need to consider this issue further.

Main Issues

3. The main issues are the effect of the proposed agricultural building on the character and appearance of the rural landscape, and secondly whether any other farm buildings are capable of reuse instead.

Reasons

Background

4. The appeal site comprises part of a large farmstead which lies on the edge of the village of Charndon and is surrounded by open countryside. The land is generally flat although it slopes down from Main Street which lies on a north-south axis. There is a loose surfaced track/ public right of way (PROW) running mainly alongside the northern boundary of the farmstead. The barn proposed measures 12m by 23m and 5m to the eaves and would have a ridge height of

about 6m. The appellant says that the barn is needed as a secure building to house, hay, straw feed and farm machinery as well as providing sorting and storage rooms for the eggs collected from the farm flock of free range hens.

Effect on character and appearance

5. Policy E9 of the Vale of Aylesbury Local Plan (now referred to as LP) sets out criteria for new agricultural buildings to be acceptable. Taking these in turn, from the evidence submitted and my observations at the site visit, I am satisfied that it is necessary for the purpose of agriculture on the holding and the size of the building is not unusual for a holding of this nature. I will deal with the Council's reference to other buildings on the holding being used for non-agricultural purposes as a second issue but at the site visit I did not see other modern agricultural buildings present which appeared underused and capable of being reused. The proposed siting would be adjacent to existing farm buildings. Finally, the position of the proposed building would not harm the amenity of nearby residents.
6. The policy goes on to set out criteria concerned with aspects of design. At the site visit I noted the high field hedge which runs alongside the PROW on the northern boundary of the site and other land in the holding. Although the proposed building is relatively long and high, I am satisfied that much of the visual impact of the building in the wider landscape would be screened by the presence of the field hedge. Moreover, normal operational requirements for such a building justify the height of the eaves of the building to accommodate large doors for the entry of farm vehicles.
7. I find that with appropriate details and colour of external materials the proposed agricultural building would sit comfortably in the landscape and would not appear unduly imposing or inappropriate.

Existing agricultural buildings

8. Part C of Policy E9 advises that new agricultural buildings will be permitted where there are no existing buildings which are capable of reuse. I note that the parties refer to a large agricultural building erected in 2017 and sited in the part of the farm closer to the village. The Council granted permission for this to be used for a mix of B2/B8 purposes retrospectively in 2019 and imply that if there is now an agricultural need for more storage space this building could be so used.
9. At my site visit I looked around this and other buildings on the farm. The large one is now mostly used for the storage of bales of hay although a small element of the building appears to be used for the storage of machinery and equipment not related to agricultural use. From my observations around the farm I am satisfied that at the moment there are no other existing buildings that are suitable to meet the needs of the farming enterprise.
10. On this basis I find that the proposal accords with the specific requirements of LP Policy E9 and the general provisions of Policies BE2 and NE4.
11. In relation to other policy guidance the new farm building takes account of the context of the site and accords with the general guidance produced in section C1 of the National Design Guide. Neither would the development be at odds with the national guidance set out in section 15 of the National Planning Policy Framework (the Framework) which recognises the intrinsic character and

beauty of the countryside. I have also had regard to section 6 of the Framework where it indicates that planning decisions should support the growth and expansion of rural businesses including through well-designed new buildings.

Planning balance

12. On the main issues I have found that the proposed agricultural building would not have a harmful effect on the character and appearance of the surrounding rural landscape and is otherwise in accordance with the relevant provisions of the development plan and related national guidance. This is not outweighed by any other consideration and therefore planning permission should be granted.

Conditions

13. The Council recommends nine conditions be imposed which I will consider under the same numbering. In addition to the standard condition regulating the commencement of the development (No.1) a condition specifying the plans that are approved (No.2) is reasonable and necessary in the interest of clarity as well as amenity and I will impose it. It is also necessary to maintain the appearance of the area to have a condition on the use of external materials set out on the approved plans. However as the colour of the sheeting is not detailed beyond 'green' walls and 'grey' roof sheeting I will amend the condition (No.3) to require the shade of colour to be agreed with the Council before the sheeting is installed.
14. As the building has been put forward to meet an agricultural need within LP Policy E9 I am satisfied that it is reasonable to impose a condition (No.4) restricting the use of the building to the agricultural operation at Valley Farm.
15. In the interests of ecology and biodiversity it is essential that the measures set out in the Precautionary Method Statement are implemented as per condition No. 5. For similar reasons and to retain the screening effect I will impose Condition No. 6 re the establishment of a buffer zone. Although this is a 'pre-commencement condition' it has been agreed by the appellant. Condition No.7 is also necessary for similar reasons and to maintain and enhance its screening effect and linked condition No.8 deals with replacement planting where necessary. Finally, in the interest of amenity I will impose condition No.9 to ensure that the building does not accommodate exterior lighting which would have a visual impact on the locality at night.

Conclusion

16. For the reason given above I conclude that the appeal should be allowed.

David Murray

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 drawing numbers:
 - SITEPLAN-1.1250_BUILDING B
 - 07_Proposed SitePlan_1_500_BUILDING A
 - 03_PLAN_1.5-_BUILDING B 02_ELEVATIONS 1.100_BUILDING B
 - 04_ROOFPLAN_1.50_BUILDING B
3. The external materials to be used in the construction of the building hereby permitted shall be as specified on approved drawings 02_ELEVATIONS_1.100_BUILDING B and 04_ROOFPLAN_1.50_BUILDING B received by the Local Planning Authority on 18 February 2022. Details of the exact colour of external sheeting shall be agreed with the Council in writing before it is installed. The external materials shall thereafter be retained as such in perpetuity.
4. The building hereby permitted shall be used solely for agricultural purposes in association with the existing agricultural operations at Valley Farm, Main Street, Charndon and shall not at any time be used for any other business or commercial use.
5. The development shall be implemented in accordance with the submitted 'Precautionary Method Statement: Great Crested Newts', prepared by Tall Oak, dated 5th April 2022. The pre-construction measures set out within paragraph 2.3.1 of the 'Precautionary Method Statement: Great Crested Newts' shall be implemented in full prior to the commencement of development, including site clearance. Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.
6. Prior to the commencement of development, including site clearance, an exclusion zone within the site shall be implemented around the existing hedgerow/line of trees along the northern site boundary adjacent to the public footpath (CHA/6(BW)/4). The exclusion zone shall create a 2metre buffer zone from the existing hedgerow/line of trees along the northern site boundary and the protection installed shall comprise two-tiered electric fence wire and posts and shall accord with the British Standard guidance 'Trees in Relation to Design, Demolition and Construction – Recommendations' BS 5837) (2012). The exclusion zone shall thereafter be retained for the duration of the construction period, in accordance with the recommendations of section 2.3 of the submitted 'Precautionary Method Statement: Great Crested Newts'.

7. Prior to development above slab level of the building hereby permitted, a scheme for the enhancement of the existing hedgerow/line of trees along the northern site boundary adjacent to the public footpath (CHA/6(BW)/4) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for enhancements shall be implemented in full within the first planting season following first use of the building hereby permitted.
8. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.
9. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

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