



Appeal Decision

Site visit made on 18 July 2023

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2023

Appeal Ref: APP/F0114/W/23/3315230

Hillside Farm, Timsbury Road, Farmborough, Bath BA2 0FD

- 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 Dave Gunter against the decision of Bath and North East Somerset Council.
 - The application Ref 22/03020/FUL, dated 27 July 2022, was refused by notice dated 21 October 2022.
 - The development proposed is a retrospective planning application to retain a detached double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt,
 - The effect on the openness of the Green Belt, and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework), at paragraph 149, 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. New buildings for agriculture, is listed as one of the exceptions.
4. Policy CP8 of the Bath and North East Somerset Core Strategy (the Core Strategy) also provides that the Green Belt will be protected from inappropriate development in accordance with national planning policy.
5. It has been stated that the building would be used to store agricultural equipment, including pig wire and electric fencing material, various animal feeders and feed storage bins, a small tractor, and an agricultural quad bike. At the time of my visit, there was an additional small tractor and grass mower

attachment present. The appellant's appeal statement sets out that while it had previously been indicated that there would be some overlap between domestic and agricultural storage, this would not result in a material change in use of the building from agricultural, which is intended and required for agricultural use.

6. However, I am particularly conscious of details that were provided by the appellant to the Council, in support of, and at the time of, the planning application. At this time, the appellant stated, *"there will be some overlap between domestic and agricultural storage.....the applicant had intended to use the building for a combination of agricultural and domestic storage, which would change over time depending on capacity within the existing farm buildings and the agricultural and domestic needs of the applicant."*
7. By the appellant's own admission, the combination of uses would change over time depending on the needs of the appellant. In my view, this information clearly indicates that the building would be used for a mixed use, comprising both agricultural and domestic storage, the precise mix of which would fluctuate at different times. The building would not therefore be solely for agriculture. As a result, the proposals would not benefit from the exception set out in paragraph 149 of the Framework and would be inappropriate development in the Green Belt.

Openness

8. The scheme has resulted in the erection of a new building in the Green Belt. This results in a loss of openness, both in visual and spatial terms. While accepting that any visual effect would be minimal as the building is not generally visible from the surrounding area, there would nonetheless be a new building within the Green Belt, spatially diminishing openness.

Other considerations

9. The appellant has contended that a building is required to store the agricultural equipment in the interests of security, due to previous thefts of equipment within the area.

Other Matters

10. The appellant has suggested that a planning condition could be used to ensure that the building is used only for agricultural purposes. However, given the stated intention of using the building for both agricultural and domestic storage, in my view such a condition would fundamentally change the nature of the development for which planning permission was sought and thus would not meet the reasonableness test for the use of a planning condition.
11. There is reference to a previous planning permission for the erection of a domestic garage, which was not implemented as it is contended that it was not required. While this is noted, the appellant has stated that some domestic storage would take place and thus forms part of the appeal scheme that is before me. This matter therefore has little bearing on my decision.
12. I note that the building has a somewhat domestic appearance in terms of its design and use of materials. However, I have assessed the scheme based on the submitted information, rather than any inferred use in association with its

appearance. Moreover, there is no concern in terms of the effect of the proposal on the character or appearance of the area.

13. There is reference to the land on which the building has been constructed being agricultural, matters in respect of accessing the appellant's agricultural land and the access lane, as well as the presence of a commercial diesel tank nearby. These issues matter not, as I have considered the appeal scheme based on the use of the building, as set out by the appellant, at the time of the planning application.
14. The Council's reason for refusal refers to policy GB1 of the Placemaking Plan for Bath and North East Somerset. However, this policy refers to visual amenities of the Green Belt. The Council does not allege any visual harm would result from the development and thus this policy is not directly relevant.

Green Belt Balance and Conclusion

15. The scheme comprises inappropriate development in the Green Belt. There is also a small loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have had regard to the other considerations above. However, these are not sufficient to amount to the very special circumstances necessary to justify the development. Thus, the proposal would be contrary to the requirements of the Framework and would conflict with Policy CP8 of the Core Strategy.
16. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR