



Appeal Decision

Site visit made on 17 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/P1805/W/23/3316476

Land to the west of Brookside, Alcott Farm, Icknield Street, Beoley B48 7EH

- 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 Rupert Cure against the decision of Bromsgrove District Council.
 - The application Ref 22/00717/FUL, dated 10 May 2022, was refused by notice dated 17 August 2022.
 - The development proposed is described as "Erection of a general purpose agricultural building (for the storage of implements and fodder)."
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Decision

1. The appeal is allowed and planning permission is granted for the Erection of a general purpose agricultural building (for the storage of implements and fodder) at Land to the west of Brookside, Alcott Farm, Icknield Street, Beoley B48 7EH in accordance with the terms of the application, Ref 22/00717/FUL, dated 10 May 2022, and the plans submitted with it, subject to the schedule of conditions at the end of this decision.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 5 September 2023 and replaces the previous version published in July 2021. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
3. The site lies within the Green Belt. There is no dispute between the parties that the proposed agricultural building would fall within the exception set out in paragraph 149a) of the Framework and is therefore not inappropriate development in the Green Belt and would comply with Green Belt Policy BDP4 of the Bromsgrove District Plan (the District Plan). Having regard to the evidence before me and what I saw on my site visit I have no reason to take a different view. As the proposal would not amount to inappropriate development, there is no need for me to consider the impact on the openness of the Green Belt or whether very special circumstances exist to justify the development.
4. It was apparent at my visit that the track and hardstanding had already been laid. Notwithstanding this, I have dealt with the appeal proposal on its planning merits.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding rural area.

Reasons

6. The appeal site forms part of a larger field situated off Icknield Street, west of a residential property 'Brookside'. There is already a track leading from the field gate off the lane, across a flat concrete bridge over the brook and into the wider field and to an area of hardstanding. The area of hardstanding, intended for the proposed building, is separated from the rest of the wider field by post and wire fencing and a gate. The wider field extends westwards, rising gradually. Adjacent fields to the north and south are not in the appellant's ownership. The site is set within a wider countryside landscape, but views are localised due to the surrounding undulating topography and mature hedgerows along Icknield Street. Other properties further to the north and south of the site were visible, as was a metal-clad building and greenhouse close to the site's northern boundary between the site of the proposed building and the lane.
7. The justification for the proposal is that the appellant lives in rented accommodation at the nearby Alcott Farm and is a tenant farmer at Home Farm. In addition to being a fencing contractor he also breeds sheep and has expanded his business to comprise 240 North Country Mules breeding sheep and 6 Charolais rams. This requires an additional building for storage. However, under the terms of his five-year Farm Business Tenancy the appellant is unable to erect any further buildings adjacent to the ones he occupies at Home Farm. The proposed building would be on the appeal site, which is land he does own, and which is within 1-4kms of where he lives and farms.
8. District Plan Policy BDP19 seeks to ensure all development is of a high quality design. Whilst much of the policy relates to residential development and matters such as air quality and noise, new development is expected to enhance the character and distinctiveness of the area and incorporate appropriate soft landscaping. The subsequently produced 'High Quality Design SPD' (the Design SPD) offers, amongst other things, specific guidance for agricultural buildings to ensure development relates to its landscape setting.
9. The proposed building would measure approximately 20m long x 10m wide x 3.6m high to eaves and 5.2m high to the roof ridge. Made of box profiled metal sheeting and a fibre cement roof, the building would have a fairly typical modern agricultural design and appearance not uncommon in the countryside today.
10. The Design SPD advocates that agricultural buildings should form part of a group to avoid being scattered across the countryside. The proposed building would not be part of a complex or group of other farm buildings for the reasons above. Nonetheless, the proposed building would be sited close to the northern field boundary and close to an existing metal-clad building and green house that occupies part of the adjacent field (not in the appellant's ownership). Hence the building would not be isolated or in the middle of the field. Furthermore, the building, hardstanding and track would be sited on the flatter part of the site closer to the brook and the road, avoiding the need for a long track and hardstanding. As a result, the proposal would not be on the elevated

part of the wider field and hence would not be an exposed feature of the skyline. The siting of the building has also been constrained by the need to avoid the pole supporting overhead electricity cables.

11. From Icknield Street, the roadside hedge would provide screening for the most part and offer filtered views of the track, hardstanding and building, although there would be some seasonal variation. From the adjacent field gate that serves the adjacent structure and greenhouse, the proposed building would be more visible as one passes the gate, but it would be seen in the context of adjacent buildings. Whilst the fields have a generally open character, there are sections of hedgerows along some of the nearby field boundaries as well as groups of trees. A new native species hedge would be planted along part of the site's northern boundary and native trees would be planted around the building. This landscaping format would not be unduly out of character with the surrounding landscaping I saw and follows the advice in the Design SPD, although it would take a few years to mature. The proposed external materials would be 'Juniper green' box-profile sheeting and a grey fibre cement roof, following the advice in the Design SPD to use 'earth colours' such as browns, greys or greens.
12. Drawing the above points together, the proposal would relate to the surrounding landscape and not be unduly intrusive and hence would not harm the character and appearance of the surrounding rural area. Accordingly, the proposal would not conflict with District Plan Policy BDP19, whose aims are outlined above. It would also broadly accord with the advice in the Design SPD relating to agricultural buildings.
13. I am aware the Council was in dialogue with the appellant to find alternative locations. Nonetheless, I have found the building would not cause harm in this location.
14. My attention is drawn to a number of other agricultural buildings allowed in the area, with allegedly less justification. The Council informs me that the Design SPD had not been adopted at the time some of these were granted. The proposed building would likely be less prominent than some I saw in the area. Whilst consistency in decision making is important, all decisions turn on their own particular circumstances based on the facts before each decision-maker at the time. I do not have the full details of the other examples. However, they are on different sites in different locations such that they are not directly comparable to the appeal proposal, which in any event I must consider on its own merits.

Conditions

15. I have considered the conditions put forward by the Council against the advice in the Framework and Planning Practice Guidance.
16. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Adherence to the plans will ensure the specified materials and colours are used.
17. In light of comments from North Worcestershire Water Management, due to the site's location in relation to the Dagnell Brook and its catchment, the site is at risk from surface water flooding. It is therefore necessary to impose a condition

requiring the submission of surface water drainage details to mitigate against any such flood risk.

18. In the interests of amenity, to avoid a proliferation of buildings in this countryside location away from other farm buildings and to ensure the site remains available for agricultural use, I shall impose conditions removing certain permitted development rights, and requiring the building to be removed and the land restored if the agricultural use of the building ceases within 10 years.
19. The proposed planting of a new hedge and trees around the building forms an integral part of the application and is shown on the submitted plans. Notwithstanding any submitted details, I will impose a standard condition requiring the submission and approval of a landscaping scheme to include detailed specifications of the trees and hedge to be planted. Any trees or plants that die are also to be replaced. The condition will therefore ensure the maximum survival of the hedge and trees to provide a continued landscape screen.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

K Stephens
INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:
 - Site Location Plan @1:1250
 - Proposed Site Plan @1:500
 - Drg No. K1 5808 1 - Proposed Plans, Elevations and 3D.
- 3) No development above foundation level of the building hereby approved shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be indicated on a drainage plan. Where possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on the site, an alternative method of surface water disposal shall be submitted to the Local Planning Authority for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

- 4) No development above foundation level of the building hereby approved shall commence until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include planting plans and written specifications of the plants, trees and hedges. All planting shall be carried out in accordance with the approved details within the first planting season following the building first coming into use.

Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

- 5) In the event that the use of the building for the purposes of agriculture permanently ceases within 10 years from the date on which the building was substantially completed, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place.
- 6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), no development included within Schedule 2, Parts 3 (Changes of Use) or Part 6 (Agriculture and Forestry) shall be carried out on the holding without the Prior Approval of the Local Planning Authority to an application in that behalf.

End of conditions.