



Appeal Decision

Site visit made on 21 November 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/J3720/W/23/3321747

Land off School Lane, Bearley CV37 0SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Karl McMillan against the decision of Stratford-on-Avon District Council.
 - The application Ref 23/00588/AGNOT, dated 23 February 2023, was refused by notice dated 23 March 2023.
 - The development proposed is a steel portal framed agricultural building with vertical metal cladding walls.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice has two different reference numbers, neither of which is that used by the appellant on the appeal form. However, both parties have subsequently used reference 23/00588/AGNOT for this proposal, including the Council in its Appeal Statement. I am therefore satisfied that this is the correct number, and that the decision notice relates to the appeal before me. I have dealt with the appeal on this basis.

Background and Main Issues

3. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) permits the erection of a building on agricultural land comprising a unit of 5 hectares or more, but only where it is reasonably necessary for the purposes of agriculture. Whether this is the case in this instance is a matter of dispute.
4. In addition, Paragraph A2(2) of Class A requires (amongst other things) the developer to apply to the Council for a determination as to whether its prior approval will be required as to the siting, design and external appearance of the building. The Council has refused to give that approval.
5. Accordingly, the main issues are (1) whether the proposal would involve the provision of a building reasonably necessary for the purposes of agriculture, to comply with the description of permitted development at Schedule 2, Part 6, Class A of the GPDO, and (2) the effect of the siting, design and external appearance of the proposal on the character and appearance of the area.

Reasons

Whether reasonably necessary

6. In addition to the appeal site, the appellant uses land and buildings elsewhere for sheep grazing and hay production. To expand the enterprise and reduce costs, the appellant now intends to focus the hay growing element of the enterprise on the appeal site. As part of this, the proposal seeks to erect a building for the storage of hay bales and machinery.
7. During an earlier planning application¹ for a building on the land (the 2021 proposal), the Council's agricultural consultant confirmed that the building and its size was necessary for the current enterprise and its intended expansion. That proposal was for a building in a different location, and of a different design and scale. Even so, the floorspace of the building was similar to that proposed now.
8. In dealing with the proposal before me, the Council was initially unaware of its consultant's advice on the 2021 proposal. Having been made aware of this, the Council now accepts that a building of the size and use proposed would be appropriate. I see little reason to disagree. Accordingly, I am satisfied that the proposal would involve the provision of a building reasonably necessary for the purposes of agriculture. As such, it would comply with the description of permitted development at Schedule 2, Part 6, Class A of the GPDO.

Character and Appearance

9. The site consists of open greenfield land that slopes gently upwards from an existing gateway entrance from School Lane. The site boundaries consist of trees and hedgerows, beyond which are dwellings. The proposal involves the erection of a metal clad building. A new access track and hardstanding would also be formed.
10. The proposed building would be positioned parallel to, but some distance away from, the boundaries of the site. Its siting would therefore result in built form intruding into the open, essentially undeveloped field. Furthermore, despite its fairly low profile, the building and its footprint would be particularly long. This substantial length, together with its isolated siting, would result in a building that would fail to assimilate into the attractive landscape, appearing incongruous and out of place.
11. There are established trees and hedgerows on the boundaries of the field. I understand that some of the trees close to the site entrance have recently been pollarded to encourage new growth. Even so, public views of the proposed building and its visual effects would be clearly obtainable from School Lane, through the entrance to the site. The proposed building would also be visible in the street scene through the vegetation, particularly in winter months when leaf coverage is reduced. As such, the building would harm the appearance of the landscape hereabouts.
12. In considering the 2021 proposal, which was also close to the site access, the Council and its agricultural consultant found that the design of that proposal and its siting would be appropriate. However, the planning application was refused for other reasons and so its relevance to the proposal before me is

¹ LPA reference 21/03712/FUL

limited. In any case, it sought a building closer to the site boundary, and of a different scale and design. It was not therefore directly comparable to the appeal proposal and so does not change my conclusions. Consequently, I conclude that the siting, design and external appearance of the proposal would have a harmful effect on the character and appearance of the area.

Other Matters

13. The Council's Officer Report referred to concerns regarding highway safety. However, having regard to the submitted Road Safety Audit, it has confirmed that this issue does not form part of the Council's reasons for refusing the application. I see little reason to disagree, but this does not change my overall findings on the appeal proposal.

Conclusion

14. For the reasons I have given above, I dismiss the appeal.

O Marigold

INSPECTOR