



Appeal Decision

Site visit made on 8 December 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9 January 2024

Appeal Ref: APP/P0240/W/23/3320784

Stanbury Farm, Tilsworth Road, Stanbridge, Central Bedfordshire LU7 9HY

- 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 Mrs Anne Standen against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02582/FULL, dated 22 June 2022, was refused by notice dated 17 February 2023.
 - The development proposed is erection of agriculture machine store and demolition of existing buildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agriculture machine store and the demolition of existing buildings at Stanbury Farm, Tilsworth Road, Stanbridge, Central Bedfordshire LU7 9HY in accordance with the terms of the application, Ref CB/22/02582/FULL, dated 22 June 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: 2121-L1A, Location Plan; 2121-L2B, Existing Block Plan; 2121-P3, Existing Sheds, Container and Polytunnel; 2121-P3, Proposed Streetscenes; 2121-S1, Survey; 2121-P1D, Proposed Plans and Elevations; 2121-L3E, Proposed Block Plan; 2121-P2, Proposed Floor Plans; 2121-L4A, Proposed Site Layout.
 - 3) Part A: No development shall take place until a written scheme of archaeological resource management (WSARM) has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme and the WSARM shall contain the following components:
 - i. a method statement for an archaeological trial trench evaluation and covers the details of post-excavation analysis, reporting and archiving;
 - ii. an outline method statement for the investigation of any archaeological remains that may be found during the evaluation;
 - iii. an outline method statement for the preservation in situ of any archaeological remains that may be found during the evaluation, and which cannot be fully investigated;

- iv. an outline strategy for community engagement should further investigation be required;
- v. an outline strategy for post-excavation assessment; analysis, publication, and archive deposition for the investigation stages of the project. This will include details of the timetable for each stage of the post-excavation works.

Should the trial trench evaluation produce evidence of archaeological remains that require further investigation, items ii, iii, iv and v of Part A of this condition will be finalised on the approval of the trial trench evaluation report. The updated WSARM for the works will then be approved by the Local Planning Authority before any further fieldwork or development is undertaken. Should no further archaeological investigation be required it will not be necessary for the WSARM to be amended and the applicant or developer can proceed with completing the work to discharge Part B.

Part B: This condition shall only be fully discharged when:

- i. all elements of the archaeological fieldwork have been completed and the date of completion has been confirmed in writing by the Local Planning Authority;
- ii. a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design has been submitted to and approved in writing by the Local Planning Authority. This shall be done within 12 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority;
- iii. the post-excavation analysis as specified in the approved Updated Project Design (if one is prepared) has been completed;
- iv. the preparation of the site archives (including the completion of the archive report) for deposition at stores approved by the Local Planning Authority has been undertaken and confirmed in writing by the Local Planning Authority. For the digital archive this will include confirmation of the intention to deposit with a CoreTrustSeal certified repository dedicated to storing archaeological archives; and
- v. the publication report text has been prepared for submission to either a recognised archaeological journal or an approved final report is submitted to the Historic Environment Record, and this has been confirmed in writing by the Local Planning Authority.

Unless otherwise agreed in advance in writing by the Local Planning Authority, items iii, iv and v of Part B of this condition shall be completed within 2 years of the archaeological fieldwork date of completion. Should the project not warrant the production of a Post Excavation Assessment report, an Updated Project Design and a publication text, item v can be completed on the approval of the final archaeological report.

- 4) The external surfaces of the development hereby permitted shall be constructed in the materials as specified on the application form.
- 5) The development hereby approved shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. Whilst material to my considerations, given the nature of the determining issues in this appeal I have not considered it necessary to seek observations from the main parties prior to determination.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework and any other relevant development plan policies; and
 - the effect of the proposal on the character and appearance.

Reasons

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. A relevant exception includes paragraph 154(a), buildings for agriculture and forestry. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035, July 2021 (CBLP) is consistent with this as it says that within the Green Belt there is a general presumption against inappropriate development and that development proposals within the Green Belt will be assessed in accordance with government guidance contained within the Framework and the National Planning Practice Guidance (NPPG).
6. The appeal site forms part of a larger farm which comprises 3.65 hectares of land. At the site visit I observed a not insignificant number of fruit trees, predominantly apple. Although the farm currently does not produce anything on a commercial basis, the proposed building would nevertheless be for agriculture, which includes fruit growing, as it would support the harvesting of the on-site fruit trees and soft fruits, it would store tractors and other machinery needed to manage the existing trees, hedgerows and fields and would provide agricultural related workshop space. Moreover, I am satisfied that the building has been designed for agricultural purposes.
7. Concern has been raised about whether the proposal satisfactorily demonstrates the agricultural support for the development or whether it is of a scale commensurate to the process of fruit harvesting based on the quantum of production and the amount of land planted to orchard. However, following my site inspection and full consideration of the suite of submitted plans, it is my assessment that the store would not be excessively or disproportionately sized. In any event, the requirement in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 6, Classes A and B – 'Agricultural and Forestry' that buildings and other works must be "*reasonably necessary for the purposes of agriculture within that unit*" relates solely to the consideration of whether a proposal would be permitted development. It therefore would not be appropriate to rigorously apply such

criteria when considering the merits of this appeal for an agricultural building in the Green Belt.

8. Moreover, neither the Framework nor the NPPG set out any limiting criteria relating to size or any other matters. Consequently, as I find that the proposed building is for agriculture and having taken account of relevant case law, the site's planning history, and the previous appeal decisions that have brought to my attention, the proposed development would not be inappropriate development within the Green Belt such that very special circumstances do not need to be demonstrated.
9. As a result of this finding, the impact on openness is implicitly taken into account in the exception under paragraph 154(a) and consequently it is unnecessary to assess the impact of the development on the openness of the Green Belt. That said, I have taken account of openness more generally when considering the effect of the proposal on the character and appearance of the area below.
10. I therefore conclude that the proposal would not amount to inappropriate development in the Green Belt and would not undermine the purpose of including land within the Green Belt. It would therefore accord with the relevant part of Policy SP4 and the associated policies of the Framework as set out above and there is no NPPG provision which would lead me to an alternative view.

Character and appearance

11. The appeal site comprises a parcel of land currently occupied by a number of trees, sheds, a container and a derelict polytunnel. Although overall the appeal site has significant areas of undeveloped land and the edges of the appeal site boundary has substantial areas of trees and shrubs, the sense of openness is compromised by the scattering of the existing sheds, container and polytunnel across the site.
12. The proposal would involve the consolidation of development into that part of the appeal site which is closest to Kingsway Cottage and the existing residential dwelling on Stanbury Farm. The proposed store would be of uncomplicated design and somewhat modest height and scale, would be constructed of stained horizontal weatherboarding, would have a reconstituted slate roof and the main doors would be timber boarded roller shutters, with a limited number of small-sized timber casement windows concentrated to the rear elevation. As a result of these factors, and when noting the widespread presence of established planting intended to be retained on-site, the proposed store would represent a discreet and satisfactorily sensitive addition to this rural site.
13. I have taken account of the suggestion that the proposal should be positioned further away from Kingsway Cottage. However, I consider that the proposed development would be appropriately sited. Indeed, although it would have the appearance of an agricultural building, given the proposed use of appropriate materials and sensitive design it would be compatible with the adjacent residential properties and would be suitable for this countryside setting. Further, although, the ridge height of the proposed development would be higher than the existing sheds and the container on the appeal site, the size, scale, mass, orientation, and appearance would relate well to its surroundings.

14. Moreover, the removal of the sheds, polytunnel and container would ensure that the appearance of the appeal site would be enhanced as the proposal would result in the removal of these unsightly structures to be replaced with an appropriately sited and designed agricultural building with a commensurately sized driveway/hardstanding. This arrangement, which would consolidate development into a distinct part of the appeal site would also improve the sense of openness which would have a positive impact on the character and appearance of the area.
15. I therefore conclude that the proposal would not harm the character and appearance of the area and would comply with Policies HQ1 and EE5 of the CBLP which amongst other things seek to ensure that development is of the highest possible quality, responds positively to its context and has regard to the key characteristics of the site and its setting. The proposal would also accord with the Framework which seeks to ensure development is sympathetic to local character.

Other Matters

16. Given the distance that residential dwellings are from the proposed development and the modest scale of the proposal under consideration, no unacceptable level of noise and disturbance or overbearing effects would be fairly anticipated to result. Although concern has been expressed about the possibility of the proposal increasing flood risk, the appellant has confirmed that the appeal site is not within an area at risk of flooding and will not increase flood risk elsewhere. Moreover, the Council has not raised any flood risk concerns and based on the available evidence I am satisfied that the proposal would not result in an unacceptable level of flood risk. Furthermore, consistent with the views of the Council's Ecologist, I am content that the site is unlikely to provide suitable habitat for protected species.

Conditions

17. I have had regard to the conditions suggested by the Council and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG). It is necessary to impose a pre-commencement condition and the appellant has confirmed that they agree to such a condition.
18. In addition to the standard commencement condition, a condition is needed to secure compliance with the approved plans in the interests of certainty. In relation to the approved plans, I note that there is a duplication of plan numbers and so for the avoidance of doubt I have also listed the title of each plan.
19. To ensure any archaeological remains of significance are protected it is necessary to include a pre-commencement condition to undertake a scheme of investigation and recording.
20. A condition requiring that the appropriate materials specified are used is necessary in the interest of the appearance of the scheme and safeguarding the character and appearance of the surrounding area.
21. Given my findings in relation to whether the development would be inappropriate development within the Green Belt and noting the site's rural/countryside location, it is necessary and reasonable to impose a condition

to ensure that the development is used for agricultural purposes. Such a condition satisfactorily addresses concerns expressed by interested parties that the proposal is intended for residential use.

22. Although, not included in the Council's list of proposed conditions, I note that in the Planning Officer's delegated report, the Council indicated that any permission could be conditioned to ensure that existing treed boundary treatments are retained and maintained in perpetuity. However, given that the proposal would not have a direct impact on the existing boundary treatments, including any established tree specimens in place along the site's edges, such a condition is not justified and would be unnecessary. Further, as planting has a finite lifespan and is constantly evolving, a condition seeking to secure retention and maintenance in perpetuity would not be suitably enforceable or precise.

Conclusion

23. For the reasons given above, I conclude that the proposal would accord with the development plan and material considerations do not lead me to a decision otherwise. Therefore, the appeal should be allowed.

S Rawle

INSPECTOR