



Appeal Decision

Site visit made on 22 January 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/U1430/W/23/3321733

The Cottage in the Wood, Hobbs Lane, Beckley, East Sussex TN31 6TX

- The appeal is made under Part 6, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended.
 - The appeal is made by Ms E Nicholson against the decision of Rother District Council.
 - The application Ref RR/2023/560/FN, dated 13 March 2023, was refused by notice dated 5 April 2023.
 - The development proposed is for an agricultural building to be used for storage of machinery, tools, feed, and general farming materials. The building will also have space for a farm office and workshop.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled 'National Landscapes'. The site is within the High Weald National Landscape. All references to the High Weald AONB in this appeal will reflect that change. There has been no change to the legal designation and policy status of these areas. The statutory purpose of the designation is to conserve and enhance the natural beauty of the area.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Accordingly for the purposes of this decision I have referred to the latest version of the Framework. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.
4. The appeal is made under Part 6, Class A.1 (d) of the GDPO. However, it has been brought to my attention that the Council has incorrectly referred to Class A.1(i) in its decision notice and delegated report. I have reviewed the evidence before me and consider these references to be typographical errors. I have proceeded accordingly.

Application for costs

5. An application for costs was made by Ms E Nicholson against Rother District Council. This application will be the subject of a separate Decision.

Background and Main Issues

6. Schedule 2, Part 6, Class A of the GDPO permits, on land within an agricultural unit of at least 5 hectares in area, the carrying out of works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit.

7. Paragraph A.2(2)(i) states that for development permitted by Class A the developer must, before beginning the development, apply to the Council for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.
8. As such, given the unit in question is over 5 hectares, the main issues in this appeal are:
 - whether the proposed development is permitted development, and if so,
 - whether the prior approval of the Council is required for the siting, design and external appearance of the proposed building.

Reasons

Whether permitted development

9. The appeal site is a flat area of land adjacent to the Grade II listed building known as 'The Cottage in the Wood' that is located within the High Weald National Landscape which is typified in part by woodland and agricultural type fields, some of which have barns.
10. The main parties agree that the proposed building would be reasonably necessary for the agricultural activity proposed on the holding, which includes the care of deer, as well as the storage of machinery, forage, hay and other agricultural related materials. There would also be a space for an office and a workshop associated with the use of the building. I have considered the submitted evidence, and I see no reason to disagree.
11. However, the Council's decision notice states that the design of the proposal would be more akin to a domestic dwelling, and hence it would not be fit for purpose as an agricultural barn. Nonetheless, the appellant contends that a proliferation of 'mock barn' conversions nearby may have influenced the Council's decision. Moreover, in comparison to a modern agricultural building, the proposed design would include mostly traditional type materials and replicate elements of a historical-type barn, such as a hayloft.
12. Nevertheless, the submitted drawings show that the stable and cart lodge type doors would have windows to allow for the ingress of natural light and the threshing barn door would include a false panel at high level. Although not replicated on the elevation plans, the floor plan shows that there would be a rail to the front of what appears to be a fixed window/door at first floor level to the north. There would also be small gable-type 'apertures' in the extensive roof scape. As such, in combination, these features would create the appearance of a domestic-type structure.
13. Indeed, whether the Council sought advice from an agricultural consultant or not, the fact remains that the newly constructed building would have numerous design elements that would be comparable to a residential dwelling rather than a traditional threshing barn.

14. Furthermore, in comparison to traditional wide single doors that are often found in agricultural barns, the double doors on the southern elevation are unlikely to be practical for the purposes of accessing the building when using large agricultural machinery/equipment to fetch and carry bulky bags of forage and bales of hay.
15. In addition, even though there are 'apertures' to the roofscape, from the evidence before me, I cannot be certain that the upper floor would be suitably ventilated to effectively store hay, feed or other dry goods associated with the use of the barn.
16. I conclude therefore, and in the planning judgement, that the proposal does not meet the requirements of Schedule 2, Part 6, Class A.1 (d) of GDPO. It follows then that the proposal would not be permitted development. Hence it is not necessary to make any determination on prior approval as to the siting, design, and external appearance of the proposed building. Therefore, whilst the parties have provided observations, I make no further comments on this matter.

Conclusions

17. I have found above that the proposal would not be permitted development, as it would not comply with Part 6, Class A.1 (d) of the GDPO.
18. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR