



Appeal Decision

Site visit made on 31 January 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Appeal Ref: APP/Z4718/W/23/3325915

Mug Mill Farm, Wood Lane, Overton, Wakefield WF12 0QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Wrigglesworth against the decision of Kirklees Council.
 - The application Ref is 2022/62/90840/E.
 - The development proposed is the erection of an agricultural storage building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural storage building at Mug Mill Farm, Wood Lane, Overton, Wakefield WF12 0QE in accordance with the terms of the application Ref 2022/62/90840/E subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Dwg No: 2147/100 Rev C), Barn Elevations (Dwg No: 2147/110) and Barn Layout and Roof Plan (Dwg No: 2147/111).
 - 2) The appeal building hereby permitted shall only be used as an agricultural storage building for the storage of machinery/equipment and the storage of produce, and no part of it will be used for housing livestock.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.
3. The appeal scheme had been undertaken at the time of my visit and the submitted plans reflected the building that had been constructed. For clarity, I have dealt with the appeal based on the submitted plans.
4. Although an area of hardstanding was in place to the front of the appeal building, this is not included in the description of development nor on the submitted plans. The appellant has also confirmed that it does not form part of the appeal submission and I have therefore considered the appeal accordingly, for the agricultural building only.

Main Issues

5. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal 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

Inappropriateness

6. The Framework at paragraph 154 states 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. Part a) of this paragraph states that buildings for agriculture and forestry are not inappropriate in the Green Belt.
7. The appeal development comprises of an agricultural building for the storage of machinery and produce. I note the concerns that there are limited agricultural activities on the holding, with the Council referencing the splitting up of the historic Mug Mill Farm site. The appeal site however still comprises of around 14.63 acres, with circa 10 acres used for the production of arable crops, with reference also made to egg production.
8. In addition to this owner-occupied land, the appellant undertakes contracting work on other agricultural holdings. This comprises of farming around 50 acres with hay being the main produce. Although the definition¹ of 'agriculture' does not make reference to an agricultural contracting business, it does refer to various farming activities. Whilst these are undertaken on a contracting basis, they are nevertheless agricultural activities.
9. The Council raises doubts on the amount of produce that requires storing, stating that the holding is not large enough for the quantities stated to be produced in a year. The appellant has however clarified that the produce includes that from contract farming.
10. There are various references by the main parties to the suitability of the nearby existing agricultural building to accommodate the agricultural storage requirements that take place. However, given the range of farm machinery and equipment that requires storage, which is evidenced in the submissions before me, as well as the storage of produce from the farmed land, I consider there is a need for the appeal building.
11. Accordingly, as the appeal building is for agricultural purposes, it is not inappropriate development. As such, the appeal proposal accords with Policy LP54 of the Kirklees Local Plan Strategy and with Paragraph 154 of the Framework.

Openness

12. The appeal building replaced a previous barn on the same site, although from the information provided, only the remnants of the previous derelict structure existed. The appeal proposal has therefore resulted in a greater quantum of development compared to the previous situation with the derelict structure.

¹ Town and Country Planning Act (1990 as amended)

13. Spatially however, it sits close to a cluster of buildings towards the bottom of a valley. I was also able to see established vegetation around the appeal site. When taken together, it would visually have no greater impact on the openness of the Green Belt and would spatially be interpreted as falling amongst a group of agricultural buildings.
14. I therefore conclude that the development would preserve the openness of the Green Belt and there would be no conflict with Paragraph 142 of the Framework that states that one of the essential characteristics of Green Belts are their openness.

Other Matters

15. The appeal building has been constructed in a traditional style, utilising stone as its main facing material and incorporating other features typically seen on historic barns such as a large barn door. In this regard, the design and materials of the appeal building contribute positively to its rural Green Belt setting.
16. The Council has raised concerns that the appeal building has not been practically designed for an agricultural use, with particular reference to the layout being split in four parts and not being accessible for agricultural machinery. Although the building is primarily intended to be a machine store for agricultural equipment, there is also reference to areas of the building currently being used as a store for agricultural produce. I note one section of the appeal building is labelled as a 'workshop', but the appellant has clarified this is for the repair and maintenance of the farm machinery on the site.
17. The potential use of the site as a dwelling has been raised, with references to the planning history of the site and the traditional form of the appeal building. The appellant has provided a signed Unilateral Undertaking, revised following comments by the Council, which provides a legal commitment that the appeal building would not be converted to a dwellinghouse or to use the building for any use other than for the purposes of agriculture and any ancillary uses to it. I consider the measures put forward in the Unilateral Undertaking are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.
18. As I have found the appeal building is not inappropriate development, I am not required to consider the fallback position advanced or the need to demonstrate very special circumstances.

Conditions

19. As the development was already in place and it had a satisfactory appearance, I do not consider that commencement or material conditions are required, although I shall impose a condition specifying the approved plans in the interests of certainty.
20. As the appeal building is located in close proximity to an area identified as potentially contaminated, a condition is necessary which restricts the use of the building to a machinery/equipment store and for the storage of produce and not for housing livestock. I have amended the wording of the suggested conditions as appropriate in the interests of conciseness and enforceability.

Conclusion

21. I conclude, for the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR