

Appeal Decision

Site visit made on 24 April 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/W2845/W/23/3328436

**Old Dairy Farm, Main Street, Upper Stowe, West Northamptonshire
NN7 4SH**

- 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 Ian Brodie against the decision of West Northamptonshire Council.
 - The application Ref is WND/2023/0117.
 - The development proposed is building for agricultural use with vehicular access and hardstanding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme seeks retrospective planning permission following works completed in 2020. Prior approval was granted for two buildings in roughly the same location in 2019¹. This was not implemented but remains extant at the time of writing. The building appears to have been used for B8 purposes from 2021, as confirmed by an upheld enforcement notice² which required the cessation of the use and the building's demolition. At the time of my site visit it appeared the building was no longer being used for B8 purposes, with the tenant having vacated in early 2024.
3. The building appears to be currently used for storage of farm vehicles and equipment. There were some bags marked as seed, which occupied a very small area. Two vans and a trailer associated with the appellants' event catering business were also being stored. The office element was vacant and empty and there was no grain being stored. On the external hardstanding area there was a further tractor, two trailers and farm machinery.
4. A revised National Planning Policy Framework (the Framework) was published during the life of the appeal. The main parties had opportunity to comment albeit the substantive matters thereof in relation to the appeal scheme have not changed. I have referred to the most up to date version in my decision.

¹ Council Ref PD/2019/0060

² Appeal Ref. APP/W2845/C/21/3283832

Main Issues

5. The main issues in this appeal are a) whether the development is justified and, b) its effect on the character and appearance of the area.

Reasons

Justification for the Development

6. It is contended that, depending on the crop mix, the agricultural holding has the capacity to produce up to 950 tonnes of grain and 413 tonnes of straw/hay. Such figures have been used to calculate the total storage needs for crops on harvest, equating to approximately 1,500sqm in a good year and 1,300sqm in a bad year. The appeal building is therefore between 45-90 sqm larger than the identified need for crop storage in association with the holding.
7. There may be changing needs of an agricultural holding and other factors, such as the Covid-19 pandemic, which could influence the need for agricultural storage. That said, the appeal building was let out and used for B8 storage purposes for more than one harvest period. Also, whilst I appreciate that my site visit fell outside the harvesting season, there were no crops being stored in the building and it is not being used solely for agricultural storage purposes. Furthermore, the office and the secure and small storage spaces were vacant and not in use for agricultural related purposes.
8. I appreciate the agricultural production activities that may be carried out on the holding as well as its scale and potential. Although, I have not been provided with any compelling evidence about how the existing agricultural holding has been operated, its typical yields to date, nor where crops have been stored in previous years of harvest.
9. Due to the position of external and internal doors in the building, at peak use when grain is stored therein, there would likely be compromised access to the storage areas, toilets, and kitchen area. Thereby, the overall design and layout of the building is not conducive to the storage of grain. Additionally, only 1 FTE employee works at the enterprise, therefore a large office space and two toilets seems excessive.
10. Taking all this into account, I remain to be convinced that the development is justified. Thus, it conflicts with Policy RA6 (viii) of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (2020) (SCLP), which supports development for agriculture in the open countryside, provided, amongst other matters, that it is justified.

Character and Appearance

11. The appeal site is within the open countryside and although it is adjacent to other buildings, open fields wrap around it. The appeal building is that of a typical farm building, with green coated, corrugated metal walls and low pitched roof. Whilst it is large, it is close to a collection of other farm buildings and due to its height, colour and position, views of it from Main Road are largely obscured by an existing building in front of it.

12. Although the building extends further to the rear than others, it and the associated hardstanding are contained and screened by an existing field boundary of hedges and trees to the north. Whilst the building is clearly visible from the public footpath that runs parallel with the western boundary, due to existing and new planting, the external colour and appropriate agricultural appearance of the building, it does not appear overly prominent nor incongruous in its rural setting.
13. Whilst stark and expansive, the areas of concrete hardstanding to the rear and side of the building are typical of such normally found in farmyards. It provides an appropriate amount of space for the parking and turning of large agricultural vehicles. Therefore, I do not agree the hardstanding presents a harmful urbanising effect and, as such it is acceptable for the scale of the existing farming enterprise. Furthermore, as the newly planted landscaping establishes along the side boundary, this would help to reduce the visibility of the hardstanding area from the adjacent public footpath.
14. Accordingly, the appeal scheme would be acceptable for the character and appearance of the area and does not conflict with Policies S1 D) and R2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (JCSLP) which, amongst other things, require proposals to respect the distinctive character of the rural area. Also, there is no conflict with Policy ENV10 parts (i) and (iii) of the SCLP, as the scheme promotes and enhances local distinctiveness and blends well with its surroundings.

Other Matters

15. The site is within a Special Landscape Area, where proposals that have a harmful impact on its special qualities will be resisted. However, the Council do not allege any harm thereto and, considering my findings on the second main issue, I have no reason to disagree.
16. The merits of R (Orange Personal Communications Services Ltd) v Islington LBC [2006] EWCA Civ 157 relate to a prior approval for telecommunications equipment. This differs from the appeal scheme, insofar as it seeks express consent and relates to a different part of the prior approval regime. I have therefore not changed my conclusions in light of this.
17. There has been opportunity for the appellant to implement the extant prior approval scheme, yet some four years later this has not occurred. As the appeal scheme is seeking to retain a building, through the granting of a retrospective express planning permission, the relevant legislation for prior approval cannot be relied upon. Accordingly, the 2019 scheme is not a realistic fallback position to which I would ascribe determinative weight. In any case, the prior approval regime does not consider matters of justification, only that a given scheme complies with legislative parameters.

Conclusion

18. Given I have found that the proposed development would be acceptable in regard to the second main issue, there would also be some compliance with Policy RA6 of the SCLP. That said, a lack of harm is a neutral matter and there are multiple strands to Policy RA6 that are required to be met for a given scheme to be acceptable, denoted by 'and' within its wording for the

purposes of part (viii). Having regard to my findings on the first main issue, some conflict with the development plan would remain. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Billings

INSPECTOR