



Appeal Decision

Site visit made on 14 May 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/U4230/W/23/3334537

Moss House Farm, Moss Lane, Glazebrook, Irlam, Salford WA3 5PL

- 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 Bradley & Natalie Beazant against the decision of Salford City Council.
 - The application Ref is 22/80429/FUL.
 - The development proposed is demolition of existing agricultural building and construction of a replacement agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing agricultural building and construction of a replacement agricultural building at Moss House Farm, Moss Lane, Glazebrook, Irlam, Salford WA3 5PL in accordance with the terms of the application, Ref 22/80429/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 21 March 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (PfE) as part of their Development Plan. PfE is a joint Development Plan Document produced by nine Greater Manchester districts, of which Salford is one. The Council have referenced the updated policies of the PfE in their statement, which the appellant has had an opportunity to comment on.
3. The appellant has submitted an Agricultural Statement, dated November 2023, as part of their appeal. Whilst not before the Council at the time of their decision, it was submitted at the outset of the appeal. Whilst the Council has reservations about accepting the Agricultural Statement as part of the appeal, the Council and interested parties have had the opportunity to comment on it. Having regard to the principles established in *Holburn Studios Ltd*¹, I am satisfied that no party has been prejudiced in this regard and I have taken the Agricultural Statement into account in determining this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

¹ *Holburn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on the living conditions of future occupiers of neighbouring properties with particular regard to disturbance.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt. There is an existing Dutch barn at the site which would be demolished and replaced with an agricultural building of a similar size. The wider site consists of three other buildings with planning permissions for residential re-development, which were under construction at the time of my visit.
6. The Framework identifies that a fundamental aim of Green Belt policy is to keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, other than for a limited number of exceptions. One of the exceptions listed in paragraph 154 a) is buildings for agriculture and forestry.
7. The existing Dutch barn is in a poor condition. A previous owner had submitted a Class Q application². Although this was later withdrawn, it was stated in the application that the building was vacant and last in agricultural use before March 2013. Furthermore, an application submitted in 2021³ for the barn to be converted into ancillary garage/storage use stated that the building was previously in use for agricultural storage purposes. The Council consider that the agricultural use of the barn and the wider Moss House Farm complex has ceased, and that it has not been demonstrated that the proposed development is necessary for agricultural purposes.
8. Whilst there is no guarantee that additional agricultural land would be purchased in the future, the Agricultural Statement before me indicates that there are over 9 hectares of agricultural land associated with the barn, which is currently farmed for cereal crops. This is a clear agricultural use, and from observations on my site visit and from the information before me, there is no compelling evidence that casts clear doubt that the land is not in use for agricultural activity. The appellant lets the land to a local farmer, and the agricultural building would allow for crops, tractors, trailers, ploughs and other farm machinery to be securely stored.
9. The appellant has indicated that there are no other buildings on the land to meet this need. The agricultural buildings at the tenant's own nearby farm are fully utilised as cattle buildings. The tenant has indicated that there are functional and practical reasons for a secure and dry replacement agricultural building which would enable them to store harvested crops such as wheat and barley grain. Seed and fertiliser could be kept under cover until the correct ground conditions and labour is available for its use, and the proposed building would enable the tenant farmer to feed and provide bedding for his cattle during the winter months. The poor condition of the existing Dutch barn would not allow for dry or secure storage of crops or machinery.

² Planning Application Reference 19/74435/PRI

³ Planning Application Reference 21/78865/FUL

10. The materials of the proposed agricultural building would be masonry block walls with vertical timber cladding, profile sheet roofing and steel roller shutter doors. The materials and design of the proposal would not suggest anything other than an agricultural building and based on the evidence before me I am satisfied that the proposed development would be used for agricultural purposes.
11. Paragraph 154 of the Framework simply requires a building to be used for agriculture in order for it to be not inappropriate development. Whilst a previous owner applied for Class Q with the aim of converting the barn to residential use, this was some years ago and the appellant has since taken ownership of the land and buildings. There is no substantive evidence that agricultural uses have not been undertaken in the intervening period or to indicate that the building would be used for purposes not related to agriculture. Whilst the Council has concerns that the building could be used for the storage of the appellant's private equipment along with private workshop use for biodiversity enhancement purposes, the appellant has raised no objection to a planning condition limiting the use of the building to agricultural purposes.
12. I note concerns regarding the scale of the proposed building, insofar as it relates to its intended agricultural use, and its size relative to the land's capacity and agricultural output. I also note concerns relating to the accurate size of the agricultural holding and the location of the proposal. However, the Framework does not set out any limiting criteria relating to the size of agricultural buildings, or any matters related to the detailed use of an agricultural building. Similarly, there is no advice in the Framework on the size of a holding required to sustain an agricultural building, nor the requirement of a sequential approach to the location of agricultural buildings. An assessment of whether buildings and other works are reasonably necessary for the purposes of agriculture within that unit relates solely to the consideration of whether a proposal would be permitted development. The Framework does not indicate a requirement to assess whether a building is reasonably necessary for agriculture when considering the merits of a planning application seeking permission for an agricultural building in the Green Belt.
13. As such, I am satisfied that there is justification for the proposed development, and that it would constitute an agricultural building. Consequently, I consider that the proposal would meet exception a) of paragraph 154 of the Framework.
14. I therefore conclude that the proposal is not inappropriate development within the Green Belt as defined by the Framework. It would also accord with Policy GB1 of the Salford Local Plan: Development Management Policies and Designations (2023) (LP) which states that the Green Belt will be afforded strong protection in accordance with national planning policy. Additionally, it would comply with Policy JP-G9 of PfE, which reiterates the purposes of the Green Belt as set out in the Framework.
15. As I have found that the proposal would meet exception a) of paragraph 154 of the Framework, I have not found it necessary to consider whether the proposal would meet exception d) of Paragraph 154 of the Framework, insofar as whether it would constitute a replacement building in the same use and not materially larger than the one it would replace.
16. Given that I have concluded that the proposed development would not be inappropriate development in the Green Belt, there is no requirement to assess

the impact of the development on the openness of the Green Belt as this is implicitly taken into account within the exception at 154 a) of the Framework. I also do not need to consider whether there are other considerations that amount to very special circumstances to justify the development.

Character and appearance

17. The proposal would be situated off Moss Lane, alongside a small cluster of 3 redeveloped residential properties which were originally buildings associated with the former Moss House Farm complex. The proposal would be the most southerly building on the wider site, situated the furthest from Moss Lane. Two public rights of way (PROW) are located in proximity, with one lying adjacent to the eastern boundary of the appeal site.
18. The fields which lie to the south, east and west of the site have an open, agricultural character, particularly when viewed from the PROW which runs along the eastern boundary. Other than the three redeveloped properties, the surrounding area includes few residential buildings, although there is a dwelling at the very beginning of the lane and a small cluster of houses on the south side of Moss Lane close to the appeal site. Agricultural buildings can be seen in the distance from the PROW which runs to the east of the site.
19. Agricultural buildings are not an uncommon sight in the countryside, and the proposed building would not be uncharacteristic in this setting. The proposed materials and design are typical of agricultural buildings and as such the proposal would reflect other agricultural buildings in this regard and would not appear as anomalous or incongruous in the landscape.
20. The proposed agricultural building would be marginally smaller than the existing Dutch barn, and the same height. However, as the Dutch barn is in a poor condition, with open sides, the proposed building would appear as a more solid construction and would be more visually prominent in the landscape. The proposal would also be visible from vantage points along Moss Lane. However, the existing open-sided Dutch barn could be repaired and have things stored in it which would likewise make the building appear as a more solid structure, reduce the ability to view the landscape through it, and add to the built form.
21. The proposal would be located with a cluster of three residential properties which now have no links to agriculture. These redeveloped properties will introduce a more domesticated and built residential element in the immediate area, and the proposed agricultural building would be viewed alongside the built form of these properties. It is not unusual for agricultural buildings to be located close to residential properties in the countryside and as such the proposal would not have an awkward relationship with the dwellings, but would be viewed as part of a cohesive, homogenous group. Its location within a group serves to lessen its impact on the landscape and ensures that it integrates effectively with the surrounding built form.
22. The proposal would have an area of hardstanding. However, I noticed from my site visit that the Dutch barn already has an area of hardstanding. Whilst there would be a small additional area of hardstanding to the rear of the proposed building, this is not untypical or uncharacteristic in the context of an agricultural building. Moreover, there will be new driveways serving the redeveloped residential properties, and so the hardstanding would not look out of keeping in its immediate setting.

23. I conclude that the proposal would not harm the character and appearance of the area. As such, it would comply with Policies D1 and D2 of the LP which seek to ensure that developments achieve a high design quality and protect, enhance and respond to any positive character and distinctiveness of the local area. It would accord with Policy JP-P1 of PfE which seeks to ensure that development respects the character of the area. Furthermore, it would accord with paragraph 135 of the Framework which highlights that development should be sympathetic to local character.
24. The Council referred to Policy GB1 of the LP in their reason for refusal. However, as I have considered the effect of the proposal on the character and appearance of the area, rather than on the openness of the Green Belt, the Policy is not directly relevant to this matter.

Living conditions

25. The submitted layout indicates that the proposed agricultural building would share the same access point and internal access track that would serve the three redeveloped residential properties at the site.
26. This is likely to result in agricultural machinery or vehicles using the access track at various times during the day. This has led to concerns that this could result in an increase in noise, dust and air pollution and may pose risks to the safety of the future occupiers of these properties.
27. However, the existing Dutch barn is an agricultural building which requires access. Were the Dutch barn to remain as it is at present, access to and from it by agricultural machinery and vehicles would still be necessary. As such, the proposed agricultural building would be unlikely to lead to a significant increase in disturbance to the future occupiers of the residential properties, over and above that which would be generated by the existing building.
28. Consequently, the proposal would not harm the living conditions of the future occupiers of neighbouring properties with particular regard to disturbance. The proposal would therefore accord with Policy D5 of the LP which seeks to ensure that development does not have an unacceptable impact on the amenity of the users of other buildings and spaces. It would comply with paragraph 135 of the Framework which seeks to ensure that developments have a high standard of amenity for existing and future users.

Other Matters

29. I note third party concerns regarding the loss of trees, hedgerows and wildlife habitats, and also concerns regarding an increase in traffic and the consequent impact on Moss Lane. I have attached conditions regarding ecological enhancements, landscaping and trees to ensure no harm to protected species and the natural environment. Vehicles using the proposed agricultural building will be related to existing agricultural activities on the land, and as the vehicular movements associated with the proposed building would be of a similar size and scope as the existing building the Highways Authority considered it unlikely to have any noticeable impact on the local highway network. From observations on my site visit and the evidence before me I see no reason to disagree.

Conditions

30. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. For the sake of clarity, I have amended the conditions as necessary. The appellant has confirmed their agreement to the pre-commencement conditions. In addition to the standard commencement condition, I have attached a condition specifying the approved plans in the interest of certainty (conditions 1 and 2).
31. In order to protect the character of the area, I have attached a condition ensuring that the development is carried out in accordance with the approved materials (condition 3).
32. I have attached three pre-commencement conditions. Condition 4 relates to site levels and it is necessary to ensure that these are agreed prior to the commencement of ground works resulting in alteration of existing levels. Condition 5 relates to a survey regarding any presence of invasive species. Demolition and construction activity can increase the risk of non-invasive plant species spreading, and a plan for their removal, management or eradication is therefore required prior to the commencement of works. Condition 6 relates to surface water drainage, and requires a scheme to be submitted prior to development commencing, as the solution for surface water disposal must be understood as it could affect how below ground works are carried out.
33. I have attached conditions relating to landscaping and ecological enhancement measures in order to protect the character and appearance of the area and support protected species (conditions 7 and 8).
34. Condition 9 relates to parking, servicing and access and is included in the interests of highway safety.
35. To prevent the use of the development for purposes which would be inappropriate in the context of its proximity to other buildings, I have attached a condition requiring the development not to be used to accommodate livestock. For the same reason, although not suggested to me, it is considered necessary to add a condition that the development is only to be used for agricultural purposes (conditions 10 and 11).

Conclusion

36. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
37. As a result, the appeal is allowed.

L C Hughes

INSPECTOR

SCHEDULE OF 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:
 - Location Plan drawing number 1822 PL617 rev. A dated 21.07.22
 - Proposed Site Plan drawing number 1822 PL620 rev. A dated 21.07.22
 - Proposed Ground Floor Plan drawing number 1822 PL611 rev. D dated 28.07.22
 - Proposed Elevation Sheet I drawing number 1822 PL613 rev. B dated 28.07.22
 - Proposed Elevation Sheet II drawing number 1822 PL614 rev. B dated 28.07.22
 - Proposed Roof Plan drawing number 1822 PL612 rev. A dated 11.07.22
3. The development hereby approved shall be carried out in accordance with the materials shown on the approved plans.
4. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
5. No development (including any site clearance or preparation works) shall take place until such time as a detailed survey for invasive non-native plant species within the site has been undertaken and a report of the results submitted to the Local Planning Authority for approval in writing. In the event that the survey concludes that invasive non-native plant species are present on site, no development (including any site clearance or preparation works) shall take place until such time as a detailed method statement for the removal or long-term management/eradication of invasive non-native plant species on the site has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved method statement.
6. (a) No development shall take place until a scheme for surface water drainage for the site using Sustainable Drainage Systems (SuDS) and which includes details of how water quality will be improved, and how existing surface water discharge rates reduced, has been submitted to and approved in writing by the Local Planning Authority.

(b) The duly approved scheme shall be implemented prior to first occupation of the development hereby approved, unless alternative timescales have been agreed in writing as part of the scheme, and shall be managed and maintained in accordance with the approved scheme thereafter.
7. (a) Notwithstanding the details shown on the approved plans, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks,

terraces or other earthworks, hard surfaced areas and materials, external lighting, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works, a tree replacement scheme (tree species; tree sizes-including the minimum height and circumference of stem; plans indicating the location of the replacement trees), evidence that 10% bio-diversity net gain has been achieved on site and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within 18 months of first occupation of the development hereby permitted, whichever is the later.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

8. No part of the development shall be occupied until a scheme for the Ecological Enhancement Measures has been submitted to, approved in writing by the Local Planning Authority and implemented. The approved scheme shall be retained thereafter.
9. The vehicle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made available for use prior to the development being brought into use and shall be retained thereafter for their intended purpose.
10. The building hereby approved shall not be used to accommodate any livestock.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any Order that replaces or re-enacts that Order) (with or without modification) as they relate to the changes of use of agricultural buildings, the development hereby permitted shall only be used for agricultural purposes as defined by Section 336(1) of the Town and Country Planning Act 1990, and for no other purpose whatsoever.

*****END OF SCHEDULE*****