



Appeal Decision

Site visit made on 20 May 2024

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/P2114/W/24/3341904

Knightsbridge Farm, Roud Ventnor, Isle of Wight, PO38 3LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (TCPA) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Knightsbridge Farms against the decision of Isle of Wight Council.
 - The application Ref is 23/02148/6PA, was made on 1 December 2023, and refused on 22 December 2023 under reference 23/02148/6PA.
 - The development proposed is Agricultural prior notification for extension to existing barn.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Agricultural prior notification for extension to existing barn at Knightsbridge Farm, Roud, Ventnor, Isle of Wight, PO38 3LH in accordance with the application 23/02148/6PA and the details submitted with it including plan numbers KCC3333 SS Dec 23 (supporting statement), KCC3333-01 Site Location Plan, KCC3333-02 Existing and Proposed Elevations, KCC3333-03 Existing and Proposed Floor Plan, and subject to the following conditions:
 - (i) unless agreed in writing with the local planning authority, the development must be carried out in accordance with submitted details;
 - (ii) development must begin no later than the expiration of 5 years; and
 - (iii) removal of the development (or planning permission for another use) in the event that its use for the purposes of agriculture ceases.

Applications for costs

2. An application for costs was made by the Appellant. This is the subject of a separate decision.

Reasons

Background

3. The Appellant has submitted a document *Supporting Statement December 2023*. This sets out background information, including that Knightsbridge Farm

extends to 15.5ha¹. The land is used for making hay, with periodic grazing by horses. Sheep have grazed the land 'on tack' to help with sward management. The farm currently produces around 1,200 bales of hay a year.² The proposed extension of around 300 sqm would be to an existing building³. It would provide extra secure and dry storage for hay and machinery. It would also enable the farmer to carry out further crop production, for example, wheat due to wheat prices and food crisis. The Supporting Statement document also contains an indicative floor plan, showing how the existing and proposed parts of the barn building could be used for agricultural purposes⁴.

Whether permitted development?

4. The *Town and Country Planning (General Permitted Development) (England) Order 2015* (herein the Order) grants planning permission for certain classes of development, subject to meeting specific conditions and circumstances set out within the Order. If a proposal meets these requirements, then the proposal can be considered to be 'permitted development' as it would benefit from planning permission by reason of Article 3(1) of the Order.
5. There is a barn-like building on the appeal site. This Local Planning Authority (LPA) has confirmed that this has 'deemed consent' from 2014 as contained within Appendix C of their Statement of Case. I see no reason to disagree and have proceeded on this basis. There is also no dispute between the main parties that the existing barn is used for agricultural purposes. Again, I see no reason to disagree with this position. Indeed, there is no requirement that the building is intended to accommodate an existing agricultural activity, provided there is an agricultural use of the land and the building is reasonably required for agriculture.
6. The Order sets out in Schedule 2, Part 6, two permitted development rights that can take place on agricultural land. The Appellant has sought, in this instance, to exercise their right to carry out on agricultural land comprising an agricultural unit of 5 hectares or more in area, the extension of the barn referred to above. Again, there is no dispute between the main parties that this is the correct permitted development right to be exercised in terms of the proposed development. Again, with little evidence to the contrary, I concur with that position.
7. The Order goes on to set out under A.1 that development is not permitted by Class A if it does not comply with criteria set out at (a) to (l)⁵. The Council's Officer Report details on pages two to three (of a total of four pages) that the proposal is considered to comply with criteria (a) to (k). I have not been directed to any evidence that suggests criterion (l) has not been adhered to (relating to the extension being carried out on land or a building that is, or is within, the curtilage of a Scheduled Monument). As such, I find, as do the LPA, that the proposal would accord with the criteria set out in A.1 (a) to (l) inclusive.
8. To summarise at this stage, the appeal site has a building on it, that is used for agricultural purposes and the proposed extension would reasonably necessary

¹ *Supporting Statement December 2023*, Page 4, Paragraph 3.1

² *Ibid*, Page 5, Paragraph 3.7

³ *Ibid*, Page 5, Paragraph 3.9

⁴ *Ibid*, Page 9, Paragraph 4.14, Insert 2: Indicative Floor Plan Sketch

⁵ That is L for Lima, not the letter I for India.

for the purposes of agriculture on that unit, on agricultural land comprising over 5 hectares, and which the proposal does not fall into any of the categories of not permitted under A.1 of the Order.

Conditions for permitted development

9. The next stage is to consider the 'conditions' applicable to whether such development is permitted development. These can be found under A.2 of the Order. The only one of the conditions the Council draws my attention to is A.2 (2) (d) (i) which states:

the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be...

10. To that end, the Council highlight that the proposal is considered to be unacceptable due to the siting and external appearance of the barn, which would result in excessive and harmful landscape impacts. It is unclear, in the decision notice, as to whether it is the siting and appearance of the existing barn with the proposed extension, or whether it is the proposed extension that the Council's considers would cause this alleged 'harm'. Given that the principle of the existing barn is already established (from 2014) the only logical way to read the LPA's Decision Notice is that the alleged 'harm' relates to the proposed extension. I have proceeded on this basis.
11. In terms of design and external appearance, the proposal comprises a footprint of 10 metres by 30 metres⁶ (creating around 300sqm of additional floor space). The plans show the height to eaves would match existing, being 5.8 metres to the lowest part of the eaves, 8 metres at the highest point of the eaves and the ridge height being 10.2 metres. These figures are provided on the submitted drawing KCC3333/02 12/22ac Labelled 'Existing and Proposed Elevations'. I note that the application form refers to height to eaves as 4.6 metres. In the event of any doubt, it is clear from the submitted drawings that the eaves and ridge height would match that of the existing building (albeit of a narrower roughly half sized extension). I have proceeded on this basis.
12. The materials proposed would comprise box profile metal cladding for the roof and walls, with the external colour being green. This would match the external appearance of the existing barn on site. Furthermore, the overall design has a low profile roof form, box cladding material and green colour. When viewed from multiple locations from the public realm the proposed extension would look like part of the existing barn.
13. In doing so, it would not look dissimilar to barn buildings used at countless locations across the country, where farmers store machinery and other materials used for agriculture. I acknowledge the Council's concerns in terms of their view that the size would be excessive, but the fact remains that it would be a large barn on an agricultural unit in a rural location. Its proposed external appearance is exactly what one would expect to see in the

⁶ KCC3333/03 12/22a, Existing and Proposed Floor Plan

countryside. As such, I do not consider that its proposed design and external appearance provides justification for the refusal of prior approval in this case.

14. In terms of siting, the proposed extension would be located on the west elevation of the existing barn⁷. It would become a part of the existing barn rather than be a 'standalone' building. I note that either side of the wider valley is part of the designated Isle of Wight Area of Outstanding Natural Beauty (AONB). However, the appeal site itself is not within that designated landscape.
15. The Council contend that the proposed extension would be readily visible within the street scene and wider rural area, and appearing excessive in the open landscape⁸. However, I have already found that the design of the external appearance of the proposed extension would not be discordant with what is a barn building in the countryside. The siting of the extension would be directly on this existing building. That is an entirely logical and rationale placement within the site and ensures that the footprint of the proposed extension is contained within that area of the agricultural unit.
16. Moreover, as indicated in the Council's Statement at Paragraph 5.2.3, 'buildings are largely limited to scattered traditional farm buildings...' The existing barn on the site, whilst not a timber framed barn, nonetheless appears as a box profile cladding agricultural building, which is traditionally found in rural areas where farming takes place. As such, I do not consider that its siting provides justification for the refusal of prior approval in this case.

Planning Policy

17. I also note that the Decision Notice goes on to cite development plan policies: though it should be noted that the Prior Approval process is meant to be, as a whole, considerably less demanding one than that involved in the determination of an application for planning permission under section 70 of the TCPA and section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended (PCPA).
18. Section 70 of the TCPA does not apply to an application for Prior Approval, and there is no other provision to like effect for applications for Prior Approval. As such, there is no means whereby s38(6) of the PCPA can supply the hook for the application of its decision-making duty. It only applies in the situation where it indicates 'If regard is to be had to the development plan'. In this case there is no such statutory requirement in relation to prior approvals. Nonetheless, my attention has been drawn to Policies SP5 (Environment), DM2 (Design Quality for new development) and DM12 (Landscape, etc), of the Island Plan Core Strategy.
19. Taking these into account to assist the assessment process, I do not find that they provide justification for the refusal of prior approval in this instance.

Other Matters

20. Concerns have been raised by interested parties at the application and appeal stages. It is clear that if the proposed development is permitted development and fulfils the requirements set out in the relevant part of the Order, then the

⁷ See plan KCC3333/01 12/22ac, Site Location Plan

⁸ Isle of Wight Council – Statement of Case May 2024, page 9, Paragraph 5.4.2

proposal should be granted. For completeness I consider these interested parties representations here as some do relate to the considerations under the Order.

21. In terms of whether the extension is necessary for the purposes of agriculture, the *Supporting Statement December 2023* sets out clearly the Appellant's case for the need. Little evidence has been provided that this need would not be fulfilled by the proposed extension. On the basis of the evidence before me, I am satisfied that the extension sought is necessary for the purposes of agriculture.
22. Concerns have been raised in respect of shipping containers and other structures on the appeal site or land associated with it. However, my remit is to consider the proposal before me. It is for the Council to determine what, if any, permissions are required for any other form of development or land use on or near to the site.
23. With regard to whether the barn should be there or not, as detailed above, the Council does not raise the lawfulness of the existing barn as a matter in this case. As such, the only logical conclusion is that, for the purposes of this appeal, the existing barn does not require any further planning permission or consent. I therefore have to assess the proposal on the basis of what is sought. Furthermore, it is not within the scope of my powers in determining this appeal to require the removal of the existing barn, hardstanding and associated vehicles and shipping containers as suggested by some interested parties.
24. I note these concerns raised, however I do not find that they, either individually or cumulatively, justify the dismissal of the appeal in this case.

Planning Conditions

25. The General Permitted Development Order does not provide authority for imposing additional conditions beyond those contained within it. These include requirements that: (i) unless agreed in writing with the local planning authority, the development must be carried out in accordance with submitted details; (ii) development must begin no later than the expiration of 5 years; and (iii) removal of the development (or planning permission for another use) in the event that its use for the purposes of agriculture ceases.
26. Accordingly, for the avoidance of doubt and to provide certainty, I have imposed these conditions.

Conclusion

27. For the reasons given above the appeal should be allowed and prior approval should be granted.

C Parker

INSPECTOR