



Appeal Decision

Site visit made on 18 June 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/P1805/W/24/3338747

Land at Cobley Hill, Grange Lane, Alvechurch, Worcestershire

Grid Ref Easting: 401403, Grid Ref Northing: 271347

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Richard Brittain against the decision of Bromsgrove District Council.
 - The application Ref is 23/01018/AGR.
 - The development proposed is construction of an agricultural building and hardstanding.
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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 construction of an agricultural building and hardstanding at Land at Cobley Hill, Grange Lane, Alvechurch, Worcestershire Grid Ref Easting: 401403, Grid Ref Northing: 271347 in accordance with the application ref 23/01018/AGR and the details submitted with it, including Plan 8351 – Location Plan scale 1:2500 and Proposed Plans scale 1:100.

Preliminary Matters and Background

2. I have taken the address of the proposed development from the appeal form, as the application form did not give an address. The description of development within the above banner heading and my formal decision is taken from the Council's decision notice as it more succinctly describes the development.
3. The Council raised concerns that the amount of hardstanding shown on a map within the appeal statement differed from that indicated on the submitted plans. I have received clarification from the appellant that the hardstanding would be as depicted on the submitted location plan, and would amount to 252.81m². I have determined the appeal on this basis.
4. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 (2024 Amendment) came into force on 21 May 2024. However, the amendments to Class A do not apply in this case and do not affect my consideration of this appeal. Consequently, I have not invited further comments from the parties.
5. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, relate to development which is to be carried

out on agricultural land comprised in an agricultural unit of 5 hectares or more, and for development which is reasonably necessary for the purposes of agriculture within that unit. This is subject to a number of stated exceptions as set out in paragraph A.1.

6. The Council did not provide an Officer's Report in relation to the proposed development. The reason for refusal and explanation was given in its decision notice. The Council also refers to comments from its agricultural consultant, Kernon Countryside Consultants Limited (October 2023). The agricultural consultant considered the proposed development against the limitations set out under section A.1 of Class A and was satisfied that the development would be in compliance with these various limitations, and that permitted development rights apply in principle.
7. However, the Council's decision notice states that prior approval is refused and that the proposed agricultural building is not permitted development. An informative states that it considers that there is no existing private way or track within the field which would serve the building. Such a private way or track would be located within 25m of a metalled part of a classified or trunk road. The Council considers that the proposal would therefore not be in compliance with paragraph A.1(h) to Class A of the GPDO.
8. Sub-paragraph 2 of paragraph A.2 requires an application to be made 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 Council has not identified any issues in relation to the design and external appearance of the building but has concerns regarding its siting.

Main Issues

9. The main issues are:
 - whether or not the proposal would be permitted development under Schedule 2, Part 6, Class A of the GPDO having particular regard to whether the building would be reasonably necessary for the purposes of agriculture; and
 - if so, whether the proposal would satisfy the detailed prior approval matters including the effect of its siting upon the character and appearance of the area.

Reasons

Whether Permitted Development

10. Permission is sought for the erection of an agricultural building and hardstanding. Under Schedule 2, Part 6, Class A of the GPDO, the proposal must be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more, and be reasonably necessary for the purposes of agriculture.
11. The appellants operate a beef rearing enterprise from land at Stoke Pound extending to over 20ha, and from land six miles away at Cobley Hill, Alvechurch, extending to over 54ha. There are currently no farm buildings at Cobley Hill, necessitating trips, often twice daily, between the two locations to transport produce, material and equipment. The proposed building is intended to house hay and agricultural supplies and equipment, enabling the farmed land at Cobley Hill to be self-sufficient in terms of storage.

12. To comply with paragraph A.1(h) of the GPDO, it must be demonstrated that no part of the development would be within 25 metres of a metalled part of a trunk road or classified road. The Council have concerns that no access track within the field would serve the proposed dwelling, and any such track would fall within 25m of a metalled part of a trunk road or classified road. However, the application did not include an access track. I have determined this appeal on the proposal before me.
13. The appellant has stated that an access track would not be necessary, as the farming practices would generally only be undertaken in dry conditions, when the land conditions allowed operations with large machinery. Most vehicular movements would be intra-field movements from the field to the building alone, thus not necessitating the provision of an access track.
14. No part of the development before me would therefore be within 25m of a metalled part of a trunk road or classified road. Thus, the proposal would comply with A.1(h) of the GPDO. As such, I conclude that the proposal would meet the limitations set out under section A.1 of Class A and be reasonably necessary for the purposes of agriculture under paragraph A of Schedule 2, Part 6, Class A of the GPDO. The proposal would therefore constitute permitted development.

Siting

15. The appeal site lies within a rural area characterised by agricultural fields surrounded by mature hedgerows and trees, and some small, wooded areas. There are a number of buildings set sporadically in the wider area with Meadow Bank Farm situated close to the site's western boundary. To the south are further trees and the Worcester and Birmingham Canal. The boundaries to the north, west and east comprise mature hedgerows and trees. The proposed agricultural building would be located in a field close to an existing access off Grange Lane. A telecommunications mast is situated to the east of this access on the road frontage. The appeal site is relatively flat along the boundary with Grange Lane, beyond which the land gently slopes away. Cobley Hill rises to the north and a public right of way (PROW) is located to the northeast of the site.
16. The evidence before me indicates that the proposed agricultural building would measure 24.38m long and 12.19m wide, with an overall floorspace of 297.19m², eaves measuring 4.27m and the ridge 5.79m. The proposed hardstanding would measure 252.81m². The proposed steel portal framed building would be of a standard agricultural design, enclosed on three sides with juniper green box profile steel cladding and a grey box profile tin clad roof.
17. I noted at my site visit that the location of the proposed building is visible from certain vantage points in the surrounding area. However, the eastern boundary of the appeal site comprises mature trees and hedgerows, which would largely screen the proposal when viewed from the east and from the PROW.
18. The established hedge boundary to the north of the site provides some screening and filtering of views of the site from Grange Lane. I observed that the hedge is higher than that shown in the photographs from 2021 submitted in the Council's Appeal Statement. It is likely that additional growth would further screen the proposal from the road. I accept that hedgerows are not

permanent features, that there is no mechanism to secure their height and that the extent of screening will vary during seasons. However, in the context of the rural location, I find it unlikely that the well-established hedgerow would be removed or significantly altered.

19. I note comments from the Council that developments which require tall hedges to screen them are not considered to be appropriately sited. However, the hedges are in situ and when considering the visual effects of the siting of development on the surrounding area, in my view it is reasonable to consider whether the development would benefit from natural screening.
20. Due to the surrounding topography the proposal would be visible from Cobley Hill which slopes upwards north of the appeal site. Furthermore, the field where the proposed building would be located is currently devoid of built structures, and the proposal would therefore appear as an isolated building, unrelated to other built development. Although only guidance, the Council's High Quality Design Supplementary Planning Document (2019) (SPD) advises that tight clusters of buildings generally look more settled in the landscape than scattered ones and new buildings should form part of a group rather than stand in isolation.
21. However, the building would be viewed in the context of the prevailing agricultural character and appearance of the area, where it is not uncommon or unexpected to see isolated farm buildings, and its design and appearance would be typical of modern agricultural buildings. Therefore, whilst it would be somewhat prominent from Cobley Hill, it would be read as an agricultural building within a wider agricultural landscape, commensurate with the use and the surrounding context. As such, I do not find that it would be unduly incongruous.
22. The majority of hardstanding and the opening of the building would be located to the western elevation of the proposal, which would extend activity out further into the field. However, this orientation, with the enclosed gable end facing the road, would lessen the visual impact of the proposal from Grange Lane and far-reaching views, reducing its visible bulk and minimising its prominence.
23. I acknowledge that the proposed building would be some 13m from the boundary hedge to the east. The proposal would, however, be located towards the edge of the field where it would be well screened from the east by the mature trees and hedgerows, and would benefit from the backdrop of trees which would help to soften the building and assimilate it into the landscape.
24. The Council has referred to the National Planning Policy Framework (the Framework) in its decision. However, there is no specific provision under Schedule 2, Part 6, Class A for regard to be made to the Framework. The Council has also referred to the SPD and Policy BDP19 of the Bromsgrove District Plan 2011-2030 (2017) in its decision. There is no statutory obligation to decide a prior approval appeal on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004.
25. Nevertheless, I have had regard to the SPD, development plan and the Framework insofar as they relate to matters of character and appearance. Given that I have concluded that the siting of the proposal would be acceptable

with regard to character and appearance, and in so far as it is material, the proposal would not conflict with Policy BDP19, the SPD or the Framework.

Other Matters

26. I note that the site is within the Green Belt, but this is not a matter for consideration under Schedule 2, Part 6, Class A of the GPDO.
27. The Council does not accept that the proposed building could not be located at an alternative site closer to existing buildings and in accordance with its design advice. The appellant has provided information regarding potential alternative sites for the proposed building. I appreciate the Council's desire to site the proposed building where it would have the least visual impact. However, I must assess the proposal before me. Whether an alternative or less harmful location for the building might exist has no material bearing on my appeal decision, which is based on the facts of the case, my observations whilst on site and the correct application of the conditions and procedures in the GPDO.

Conditions

28. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for agricultural development on units of 5 hectares or more in paragraphs A.2(2)(v) and (vi). These specify that the development must be carried out in accordance with the approved details submitted with the application and within 5 years of the date of this approval. As such, there is no reason for me to impose any additional conditions.

Conclusion

29. For the reasons given above I conclude that the appeal is allowed and prior approval is granted.

L C Hughes

INSPECTOR