



Appeal Decision

Site visit made on 11 June 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/W3005/W/24/3338993

Land at Felley Mill Lane South, Underwood, Notts NG16 5DQ

- 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 Steven Lewis against the decision of Ashfield District Council.
- The application Ref is V/2023/0393.
- The development proposed is small extension to existing building for agricultural storage.

Decision

1. The appeal is allowed, and planning permission is granted for a small extension to existing building for agricultural storage at Land at Felley Mill Lane South, Underwood, Notts NG16 5DQ in accordance with the terms of the application, Ref V/2023/0393, subject to the following 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: Site Location Plan, Existing Elevations, Proposed Elevations, Proposed Block Plan, Proposed Elevations & Floor Plans.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. 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; and
 - whether any harm by reason of inappropriateness would be clearly outweighed by other considerations, so as to amount to the 'very special circumstances' required to justify the proposal.

Reasons

Whether the proposal is inappropriate

3. The appeal site lies within the Green Belt and open countryside. The site is accessed off Felley Mill Lane South and serves an existing dwelling, fields, and a timber stable building. The immediate surrounding area has a prevailing rural

- character, with open fields, tall hedgerows and sporadic rural buildings and dwellings.
4. 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. The exceptions most pertinent to this appeal are paragraphs 154 a) buildings for agriculture and forestry, and c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 5. Policy ST1 of the Ashfield Local Plan Review, adopted February 2002 (ALPR) requires development not to be approved where there is conflict with policies within the ALPR. Policy ST4 of the ALPR states that in locations outside of Ashfield's main urban areas, such as the appeal site, that Green Belt development should be appropriate in accordance with Policy EV1. Policy EV1 of the ALPR pre-dates the Framework but is consistent with it in respect of buildings for agriculture and forestry. However, it is more restrictive in respect of extensions to buildings, specifying that appropriate development comprises limited extension to existing dwellings.
 6. I observed during my site visit that the building to be extended was currently in use for the stabling of horses. Part of the building was also used as a tack room and general implement store. There were also areas around the building used for external storage of machinery and materials. I also observed that a field within the appeal site had a flock of sheep grazing.
 7. The proposed extension would be a modest addition to the existing building in respect of its bulk and massing. Paragraph 154 of the Framework does not set out any limiting criteria relating to size for an agricultural building and the Council do not suggest that the extension would represent a disproportionate addition over and above the size of the original building.
 8. However, the Council suggest that the appellant has not demonstrated the extent of the agricultural business on the land and therefore it has not been established that there is an essential need for the proposed extension.
 9. The appellant's evidence states that the building is required for agricultural storage of machinery, animal feeds, hay, tools, equipment, and animal housing. The appellant has stated that the land is currently used for agricultural grazing and cropped for hay. Irrespective of the level of activity, these are agricultural uses, and there is no compelling evidence that casts clear doubt that the site is not in use for agricultural activity.
 10. Furthermore, the size of the proposed building would be commensurate with the scale of the agricultural activities on the land.
 11. There is a suggestion by a third party that the appellant has erected a huge stable block on the bottom of his land that could be used for the intended purposes of the appeal scheme. However, the appellant has advised that the building referred to is owned by a neighbour. As such, there is a lack of clear evidence of an alternative, suitable building within the holding that could serve similar purposes to the appeal scheme.
 12. Consequently, I am satisfied that there is justification for the proposed development, and that it would constitute an agricultural building on land in agricultural use, necessary for the operations of the smallholding.

13. I therefore conclude that the proposal is not inappropriate development within the Green Belt as defined by the Framework. It would also accord with Policies ST1, ST4 and EV1 of the ALPR.

Very special circumstances

14. Given my findings that the proposed development would be for agricultural use and would not be inappropriate development within the Green Belt, 'very special circumstances' do not need to be demonstrated to justify the proposal.

Other Matters

15. I acknowledge the concerns raised by interested parties that the building could be converted to a residential dwelling in the future, as was the case for the original barn which is now a dwelling. However, such a scheme would require planning permission, and is beyond my remit in relation to the current appeal. I am bound to consider the proposal on its own merits, on the evidence before me.
16. Whilst concerns have also been raised about the tidiness of the site and the appearance of the proposed building, I am satisfied that the modest size, traditional design, and its sympathetic position within the site, would ensure that it has an acceptable appearance within the context of the site and landscape. In addition, the condition of the land is not relevant to my consideration of the proposed development. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.
17. The dispute between the appellant and the neighbour is a civil matter and falls outside the scope of this appeal.

Conditions

18. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance. In addition to the standard time limit condition, I have also, in the interests of certainty, attached a condition specifying the approved plans. A condition to secure that external materials match those of the existing building, would also be necessary in the interests of safeguarding the character and appearance of the area.
19. I have not imposed the condition suggested by the Council which restricts the use of the extension to purposes relating to agricultural storage. I consider that this is too restrictive in the context of the site and the proposed development applied for. Therefore, the condition would not meet the tests of being necessary or reasonable, as set out at paragraph 56 of the Framework.

Conclusion

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

N Bromley

INSPECTOR