
Appeal Decision

Site visit made on 27 August 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2024

Appeal Ref: APP/H0928/W/23/3334750

Verteris House, Augill, Brough, Cumbria CA17 4DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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) (GPDO).
- The application Ref is 23/0618.
- The appeal is made by Mrs Laura Atkinson against the decision of Eden District Council.
- The development proposed is agricultural building for animal feed storage.

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 GPDO for agricultural building for animal feed storage at Verteris House, Augill, Brough, Cumbria CA17 4DX in accordance with the terms of the application, Ref 23/0618, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2.

Procedural Matter

2. The location of the appeal site has been taken from the application and appeal form as this accurately identifies the location of the site. The Councils' decision notice refers to land at Augill House which is understood to also be associated with the farm unit.

Background and Main Issue

3. Under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, planning permission is granted for agricultural development on units of 5 hectares or more which are reasonably necessary for the purposes of agriculture within that unit subject to limitations and conditions. Condition 2 (i), of paragraph A.2, includes the requirement for the developer to, 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 proposed development.
4. The Councils' reason for refusal states that the proposed agricultural building is located distinctly remote from Augill House, in an area that has been recently quarried, with quarrying activity still taking place. No evidence has

been submitted alongside the application to justify the siting of an agricultural building in this remote location, or that a new agricultural feed building is reasonably necessary for agriculture on that unit. The Council go onto conclude that on the basis of the above, the details submitted do not meet the requirements of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such a full planning application is required.

5. The main issue is therefore whether the proposed development would be granted planning permission by Class A, Part 6, Schedule 2 of the GPDO with particular regard to whether the proposed development is reasonably necessary for the purposes of agriculture within that unit and if so, the effect of the proposed development on the siting, design, and external appearance of the area.

Reasons

6. The appeal site relates to a parcel of land associated with Verteris House/Augill House farm unit which has a 40-hectare landholding situated to the east of Brough. There are a cluster of buildings around the main residential property, some with residential and some with farming/industrial uses connected with the surrounding landholding and family business. The appeal site itself is located to the northeast of Verteris House/Augill House and is situated centrally within the agricultural land within the farm. There is a public right of way running in a west to easterly direction to the north of the appeal site.
7. The appeal site and surroundings have an agricultural character and rural appearance with many nearby open fields surrounding the site where there are other agricultural buildings/development dotted across the landscape. The proposed development involves the erection of an agricultural building for animal feed storage. Currently, animal feed is stored outside at a location away from the farm buildings which I was able to see during my site visit. The proposed building would allow for the storage of feed inside and I note the benefits associated with storing feed inside including less wrapping etc. I am also aware of the appellants' claims regarding difficulties in terms of movements associated with the significant change in levels onsite which I was again able to see at my site visit. I therefore have no reason to disagree that movements back and forth from the main cluster would be challenging particularly in times of inclement weather.
8. The overall design of the building would be a common/typical style for a modern agricultural building located to the northeast of the main farm steading. Whilst detached from other buildings, there is specific reasoning for this including safety requirements for those working the farm and its central position within the agricultural land where the livestock is kept at a much greater altitude with good access to all fields. It is also not considered to be of a distance to be totally remote in the landscape and it would still be seen and read alongside the overall prevailing agricultural nature of the site and its surroundings. I am aware of the Council's concerns regarding quarrying activity at the appeal site. However, I am not sufficiently convinced that this would mean that the proposed development would not be reasonably

necessary for the purposes of agriculture within that unit, and I have no compelling case to conclude otherwise.

9. The works that have taken place in the area would also help screen the development and whilst it may be visible from the public right of way running to the north, the general size and scale of the building would not be overly excessive or dominant in its setting and thus would not have a detrimental impact on the appearance of the landscape. It would be related to an agricultural use and its overall design would reflect its intended use which would not represent an untypical feature within the rural landscape or considered unreasonable in this context.
10. For the reasons given above, I conclude that the proposed development is reasonably necessary for the purposes of agriculture within that unit. The siting, design, and external appearance of the proposed development would also not have an unacceptable impact on the character and appearance of the area. It would therefore meet the requirements of Class A, Part 6, Schedule 2 of the GPDO.

Conditions

11. For the avoidance of doubt, any approval granted for the development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO is subject to the conditions set out in paragraph A.2 including the time limits for when development must be carried out as set out at A.2 (2) (vi).

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

N Teasdale

INSPECTOR