The Planning Inspectorate

Appeal Decision

Site visit made on 31 July 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal Ref: APP/X1355/W/24/3342238
Land south-east of Whitworth Lane, Brancepeth, Durham DL16 7RD

- 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 Miss Jade Pringle of J R Ranch against the decision of Durham County Council.
- The application Ref is DM/23/02787/FPA.
- The development proposed is 15m x 20m agricultural building with a 5m x 15m lean-to.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A shipping container and a wooden field shelter were sited on the holding at the time of my visit. These are not covered by the application subject to this appeal, which has been determined on the basis of the development described above and shown on the submitted plans.

Main Issues

3. The main issues are:

    - the effect of the proposal on the character and appearance of the area; and
    - whether there is an essential and functional need for the proposed agricultural building.

Reasons

Character and appearance

4. The appeal site is in the open countryside, outside the village of Brancepeth. It consists of a rectangular-shaped agricultural holding covering an area of 9.05ha. This includes two fields under grass and 1.14 acres of woodland. The woodland consists of a strip adjacent to Whitworth Lane, and a second area along the perimeter next to the A690. The other boundaries to the fields consist of newly planted hedging. An area of hardstanding next to the A690 provides access to the agricultural holding, separated by a large gate from further hardstanding within the field. This provides parking for vehicles.

5. The proposed building would support a newly established enterprise rearing rare breed livestock and producing hay, both for the livestock and for sale. The building would be constructed of concrete panels, juniper green cladding and

an anthracite-coloured roof. To reduce visibility, it would be sited away from the access, following the contours of the land and with the sliding doors on the building facing away from the road.

6. Whilst the building would be of a standard agricultural design, it would be in isolation, as there are no other buildings on the site, and it is not part of an existing farmstead. The Council refer to isolated agricultural buildings not being a feature of the landscape in this area, although the appellant has referred to several such buildings in the local vicinity. The Council state that these buildings were constructed under different policies and development plan, whilst one is part of an historic farm complex. Notwithstanding this, there is no substantive evidence as to the circumstances under which these buildings were constructed and whether these examples are directly comparable to the proposed development.

7. The woodland currently provides a relatively dense boundary, which is an important visual feature, contributing to the rural character of the area. In the woodland next to the A690, the pigs have been used to help clear significant amounts of rubbish which have been collected and removed from the site. However, without careful management, grazing this narrow area of woodland could lead to the understorey being damaged and the site becoming more open, particularly from the road.

8. Coverage has, however, been enhanced within the woodland areas by the planting of 1600 hedge plants and 30 trees, assisted by the Woodland Trust. All of these have been protected by stock proof fencing. Moreover, the tree planting plan details an additional 210 saplings to be planted within the woodland adjacent to Whitworth Lane. This would in time increase the density of vegetation along the boundary and contribute to the biodiversity of the site.

9. Viewed from the adjoining roads, the proposed building would largely be hidden by the trees when they are in leaf. However, during the winter months, a building of this scale and form would be visible from outside the site and would appear incongruous in this location. Whilst the site is not within an Area of Historic Landscape Value, other designated landscape, or has any protected status, it is within a gently undulating landscape of fields, trees and hedges, with the A690 rising gently upwards from the direction of Brancepath as it passes the site. Whilst the building form and colour would conform to that expected within a rural area, it would be constructed relatively close to the boundary. Therefore, when viewed from the road, it would appear large and intrusive and not sympathetic to the landscape of this area.

10. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Durham Local Plan (LP) Policies 10, 29, and 39. Collectively these policies seek development that does not give rise to unacceptable harm to the intrinsic character of the countryside and the quality or distinctiveness of the landscape. It would also not accord with chapters 12 and 15 of the National Planning Policy Framework (the Framework), which aims to provide development that is sympathetic to the surrounding built environment and landscape setting, as well as enhancing the natural environment.

Essential and functional need

11. Policy 10 of the LP states that development in the countryside will not be permitted unless the proposal relates to one or more exceptions. This includes the establishment of a new agricultural enterprise which demonstrates an essential and functional need for that specific location and where it can be clearly demonstrated that it has the prospect of being financially sound and will remain so. The resulting development must be of a design, construction and scale which is suitable and commensurate to the intended use.

12. The appellant has set out that producing slower growing rare breed animals produces healthier and higher quality meat which contributes to biodiversity and improves land management. To this end, animals graze and are rotated around the site, with their manure improving the quality of the soil. To support this, the appellant requires a building on site to store feed, medical supplies, equipment and machinery. This would include a covered space, which would enable hay to be stored without plastic covering, making it a more sustainable product, not requiring transport to the site.

13. The proposed building, whilst not intended to house animals, would have a livestock handling system for the sheep. Currently this is done in the field shelter which the evidence shows is moved around the site, as are the pig arks, used for the shelter of the pigs. The appellant considers that the proposed building is the smallest possible that would meet the needs of the operation and that it would improve and ensure safe working conditions.

14. I saw that some equipment was stored in a shipping container near the entrance. Other equipment is stated as being kept some ten miles away. Furthermore, I am aware that some equipment has already been stolen from the site. Hay stored in plastic bales was stacked near the entrance.

15. A Business Plan, 2023-2028, details that eight rare breed Tamworth sows and thirty ewes would produce the rare breed meat. However, greater numbers of sheep than this were on site when I visited. The sheep, which have a high lambing percentage, would be sold annually. The sows are considered to contribute to the management of the woodland. The livestock fertilising the fields would enable the production of a fodder crop of 155-165 bales each year. Around 24 bales would be kept for their own use, with the rest sold.

16. Although the appellant and partner in the business both have full-time jobs elsewhere, which would continue, they visit the site at least twice daily. The appellant refers to HMRC's Hobby Farming Rules which requires making a taxable profit within 6 years, and that the Hobby Business allowance of £1000 per person in the first year has been exceeded. The evidence includes a Profit and Loss by Month[1] which details a gross profit of £6,164.25 in the first year. The business is operated on a commercial basis and is, therefore, required to be profitable.

17. The proposed block plan shows numerous pieces of equipment and machinery that would be stored within the building, as well as a storage area for the hay. However, neither the Business Plan, nor the Profit and Loss sheet detail the capital costs, or depreciation of any machinery, some of which I saw. Instead, arable expenditure lists only costs for fuel, maintenance, and repair, as well as

[1] 5 April 2023-4 April 2024

other ancillary costs. Whilst the barn is listed as costing £20,000, with maintenance and depreciation costs, no substantiated evidence of the cost and construction of the building has been provided. Additionally, the purchase of the land, the cost of vehicles to manage the land, as well as insurance costs have not been detailed in the evidence.

18. Nevertheless, from what I saw, including the current use of a container, there is a need for the storage of some machinery and supplies on site. Whilst there is no farmstead where these can be kept, the proposal does seek a sizeable building for essentially a small operation. Moreover, it has not been clearly demonstrated that a building of this size is needed for the effective operation of the agricultural enterprise.

19. The land was purchased to run the enterprise, which has completed just over one year in business. This has generated a small profit, although is less than set out in the Business Plan. Whilst the business is at an early stage and much higher profits are predicted in Years 2-6, there is little substantiated evidence for the basis on which the financial figures have been prepared. Moreover, the costs detailed in Years 2-6 are a direct multiplication of those in Year 1. Whilst I understand it is impossible to guarantee costs going forward, it is unlikely that they would remain static over a six-year period. Therefore, based on the submitted evidence, and the modest scale of agricultural activities on site, it has not been clearly demonstrated that the business would continue to be financially sound.

20. Consequently, I conclude that there is not an essential and functional need for the proposed agricultural building. The development would not accord with LP Policy 10 as set out above. This requires, as well as an essential and functional need, for it to be clearly demonstrated that the enterprise has the prospect of being financially sound and remaining so, as well as the development being of a design, construction and scale suitable and commensurate to the intended use. Furthermore, it would not accord with LP Policy 29 which, amongst other things, requires all development proposals to contribute positively to an areas character.

21. Additionally, it would not accord with chapters 6 and 15 of the Framework which seeks to support a prosperous rural economy that protects and enhances the landscape and character of the countryside.

Other Matters

22. The appellant has highlighted the values that the business is aiming for, wanting to produce animals in a sustainable and environmentally friendly way. Contact has been made with County Durham Bee Keeping with an intention to have beehives and to plant a wildflower overlay on the site. Whilst reference is made to being part of the Countryside Stewardship Scheme, no details of this have been submitted. Notwithstanding this, improving the biodiversity of the site would provide moderate benefits to the scheme.

23. Whilst the appellant refers to local interest in the proposed business operation, and that educational experiences would be provided for local schools, there is no substantive evidence as to how this would operate in practice. This would, therefore, provide limited weight to the proposal.

Conclusion

24. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.

25. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR