
Appeal Decision

Site visit made on 27 August 2024

by Peter D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2024

Appeal Ref: APP/J1915/W/24/3342885

Major Barclay Farms, Beeches Manor, Brent Pelham, Buntingford SG9 0HJ

- 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 Ross Mayger (Sworders) against the decision of East Herts District Council.
 - The application Ref is 3/23/2284/FUL
 - The development proposed is erection of an agricultural straw barn and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an agricultural straw barn and associated development at Major Barclay Farms, Beeches Manor, Brent Pelham, Buntingford, SG9 0HJ in accordance with the terms of the application, Ref 3/23/2284/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Ross Mayger (Sworders) against East Herts District Council and this is the subject of a separate decision.

Main Issues

3. The main issues are whether the proposed development would amount to an agricultural use justified in the countryside location and whether there would be an adverse effect of the proposed barn on the character and appearance of the rural area.

Reasons

4. The appeal site sits approximately 130 metres at the closest point to the north of the main farm buildings at Beeches Manor Farm on the east side of Beeches Woodland. The site is currently gravelled hardstand with straw bales stored in the open.
5. Beeches Manor is an arable farm extending to 571 hectares with the farm buildings sited together on the north side of Pump Road (B1038) and principally used for cereal and machinery storage. The farm complex has a biomass-fed heating system for heating the farm offices which is intended to be used for grain drying on the farm. The boiler is straw fed and the proposal is to develop a barn to store straw from cereals grown on the farm for this purpose.

6. Policy GBR2 of the *East Herts District Plan* (EHDP) at Policy GBR2 allows agricultural buildings in the area beyond the green belt provided there is no adverse impact on the character and appearance of the rural area.
7. It has been put to me that there is insufficient evidence to demonstrate the need for the building and whether the straw barn actually constitutes an agricultural use and therefore that the countryside location is appropriate. Whilst I understand why the council might wish to be assured about the need, I note that neither Policy GBR2 nor the supporting text requires need to be demonstrated. Nevertheless, I consider the matter below.
8. Given that the farm business is growing cereals, a major output from that operation will be straw and it was evident from my visit at a time when harvesting was underway that a considerable amount of straw had already been harvested and was stored on the appeal site. Straw constitutes a side product of the principal agricultural operation – growing cereals and it is entirely justified that it is stored on the farm. As stated above the intention is that the straw will be used to feed the biomass boiler used to provide heat for the farm and for grain drying and for that purpose it needs to be dry straw. Currently the evidence before me suggests that 40% of the straw, if stored externally, is too wet to use and therefore the need for the straw barn to protect it from the elements. As dry grain is an essential requirement of an arable farm's cereal output and dry straw is to be used as an on-farm sourced sustainable supply of biomass for the boiler I am satisfied that the straw barn is needed and would be agricultural in its use.
9. In that regard the principle of the barn is not in conflict with EHDP Policy GBR2 and what remains to be determined is whether the barn could be located elsewhere and if not its impact on character and appearance.
10. It has been put to me that the straw could be stored in one of the permitted buildings adjacent to the main steading area but not yet constructed. There are two reasons why this would not be an option. First it is the stated intention of the applicant that the, as yet, unbuilt barns on the steading are still required for grain storage. I have no evidence to suggest otherwise. Secondly, and more importantly, as a highly flammable commodity, if straw is stored in the main steading and goes on fire it is highly likely to result in significant damage to the rest of the steading, machinery and any crops stored within it. This is borne out by the appellant's evidence from the NFU and insurers advising that hay and straw should be stored away from other buildings. For these reasons I am satisfied the use of the buildings already permitted would not be possible and a location outside the steading buildings would be justified.
11. It has been put to me that the appeal site would be unnecessarily far removed from the steading and that a location closer to the steading could meet the NFU and the insurer's advice, and would be better in terms of impact on the rural area. However, in the chosen location the barn would be utilising an area of broken hardstanding already in use for straw storage in large ricks and the barn would be screened in part by Beeches Wood to the west and the hedgeline to the north. If the barn were to be moved further south towards the steading the barn would be in more open ground, more likely to be visible in views from the B1038.
12. The barn in the proposed location, subject to appropriate materials and colourings, would not be overly intrusive and this could be controlled by an

appropriately worded materials condition. Moreover, it is worth bearing in mind that an open sided, appropriately coloured barn would have little greater visual impact than the current practice of covering the large straw ricks on the appeal site with white tarpaulins shown in the photos submitted with the appeal.

13. In terms of visibility in the countryside, as already stated the barn is partially screened by woodland and hedgerow planting. It would not be widely viewed from the B1038 approaching from the west due to distance and topography nor from the road in the approach from the east although a glimpsed view would be possible on the bend at the start of the public footpath just west of Grays Cottages. Open views of it would be seen from this footpath (FP27) but the barn would be seen against the woodland of Beeches Wood.
14. I am not therefore persuaded by the Council's argument that the barn would be particularly prominent in the wider landscape. As such, and for the reasons above, and subject to condition the proposed barn would be compatible with the character and appearance of the rural area, the test in Policy GBR2.

Other Matters

15. Section 66 of the *Listed Buildings and Conservation Areas Act 1990* requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the listed building. Beeches Farmhouse is a grade II* listed building. However, the appeal site is separated from the listed building by the present farm steading and its substantial barns and structures. The proposed straw barn would not be viewed together with the listed building and given this context, the proposal would not harm the setting or significance of the listed building and would therefore not conflict with EHDP Policy HA1 and Policy HA7 on heritage assets.
16. A Scheduled Ancient Monument (Shonks Moat), a medieval moated site and an area of archaeological significance, lies to the east of the appeal site. Given the distance from the monument and the fact that the asset is screened by woodland from the appeal site any visual impact would be limited. It is clear from the appeal documents that no finds of archaeological interest are known from the appeal site. Applying a precautionary approach however, as the site has the potential to include remains, a condition requiring archaeological investigation would be justified.

Conclusions and Conditions

17. For the reasons above I am satisfied that the straw barn would constitute an agricultural use and that its provision on the farm is needed. Its location at a distance to the steading would be justified and given the partial screening by Beeches Wood and the hedgerow and provided materials and colouring are appropriately controlled the barn would not have an adverse impact on the character and appearance of the rural area. The appeal is allowed and planning permission is granted for the straw barn.
18. The Council has proposed a number of conditions in its appeal questionnaire. I have considered these in the light of the advice in the *National Planning Policy Framework* and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

19. In order to safeguard the character and appearance of the countryside two conditions need to be added requiring details of external materials including their colour to be submitted to and approved by the Council and the submission of a landscaping scheme. The Council wording of the materials condition merely requires materials to be in accordance with the plans but it is important that the Council is given control over the proposed materials and their colouring. I have therefore proposed an amended wording. In view of this the parties have been consulted on the revised condition. No concerns have been raised.
20. As stated above, in view of the Scheduled Ancient Monument in the vicinity, the site has the potential to include archaeological remains and a condition is necessary requiring archaeological assessment to be carried out in advance of any construction to ensure any archaeological interest is understood and remains recorded and protected as appropriate.
21. Finally, the development has the potential to deliver biodiversity net gain and a condition is necessary to require a biodiversity improvement plan to ensure this is delivered.

P. D. Biggers

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 223404 PL100; 223404 PL300.
3. No development above floor slab level shall take place until details (including colour) of the materials to be used in the construction of the external surfaces of the barn hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Prior to the first use of the development hereby approved, details of additional landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of both hard and soft landscape proposals, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and an implementation timetable. Thereafter, the development should be implemented in accordance with the approved details.
5. No development shall take place within the proposed development site until the applicant, (or their agents, or their successors in title), has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report on all the required archaeological works, and if appropriate, a commitment to publication has been made.

6. Prior to the first use of the development hereby approved, details of a biodiversity improvement plan shall be submitted to and agreed in writing by the Local Planning Authority, the details shall include:
- a) full details of native species planting, schedules of plants, species, planting sizes, density of planting and implementation timetable;
 - b) full details of measures to demonstrate a Biodiversity Net Gain.

The development shall be carried out in accordance with the approved scheme and retained as such thereafter.