



Appeal Decision

Site visit made on 25 September 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/P3040/W/24/3343262

The Old Stable View, The Fosse, Cotgrave, Nottinghamshire NG12 3HF

- 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 Sam Gunning against the decision of Rushcliffe Borough Council.
 - The application reference is 24/00074/FUL.
 - The development proposed is erection of an agricultural storage barn, including change of use of land from residential garden to paddock (agricultural land).
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Decision

1. The appeal is allowed and planning permission is granted for erection of an agricultural storage barn, including change of use of land from residential garden to paddock (agricultural land), at The Old Stable View, The Fosse, Cotgrave, Nottinghamshire NG12 3HF in accordance with the terms of the application, Ref 24/00074/FUL, subject to the following 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 following approved plan: 2209(08)001; 2209(08)600 REV C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on approved plan 2209(08)600 REV C.
 - 4) The agricultural use hereby authorised shall only be operated by the owner and occupier of the associated dwelling on the land known as The Old Stable View and shall not be operated independently of the dwelling at any time.

Main Issues

2. The appeal site lies within an area of Green Belt. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the provisions of the National Planning Policy Framework (the Framework);
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - If the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

3. The Government attaches great importance to Green Belts. Paragraph 154 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development but it lists certain forms of development which are not regarded as inappropriate, including a) buildings for agriculture and forestry.
4. The existing dwelling on the land was converted from an agricultural building under a 2022 permission. The Council points out that the land within the red line of the appeal site was included in this permission and was approved as residential land and that there is no ongoing agricultural use of the land.
5. The single storey storage building would measure 6m by 5m in area, with a sloping roof to a maximum height of 4.055m. The front of the roof would project out in a triangular shape, mirroring the style of the main dwelling, and with similar external materials. It would be located to the side of the dwelling, in line with its front elevation in an area presently used for parking.
6. The building is stated to be necessary to store agricultural tools and equipment to maintain the land properly, including a tractor/trailer, hay bales and a baler, and a pen with hay/fodder and to house sheep where they have difficulty giving birth and for milking young. The appellant also indicates an intention to undertake horticultural activities. The Council has challenged whether any agricultural activity exists or would exist on the land.
7. The building would be located on a site only recently redeveloped as a residential property. The paddock in question is, effectively, the front garden of the dwelling, stated by the Council to measure some 750m². At the time of my visit, it was laid to grass and temporarily fenced with a pony on it. There was no evidence of the keeping of sheep on the land. A trailer, horsebox, lawnmower and two vans occupied the site, but no tractor.
8. However, unlike the assessment required where an agricultural building is sought under permitted development¹, the Framework does not specify that a building for agriculture needs to be in connection with an established farm enterprise. Applications and appeals should also be determined as applied for unless there are compelling reasons to take a different view.
9. From what I saw, there is little to suggest any significant agricultural use at present. However, the keeping of a pony or sheep for grazing, or use for horticulture, would fall within the definition of 'agriculture' under Section 336 of The Town and Country Planning Act 1990. Unusual as the setup may appear, given the limited size of the proposed paddock and its position in front of a large, modern dwelling, the proposed activities advanced by the appellant do not appear wholly unrealistic, and it is not unreasonable that they would require an area of storage close by. The proposed building would be modest in scale and proportionate in size to the land proposed as a paddock. Whilst I

¹ Through the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

have noted the Council's concerns, there is nothing substantive in evidence to suggest that the proposed building would not be used for agricultural purposes as applied for, albeit the activity would be at a very modest scale.

10. Therefore, I conclude that the proposal would not amount to inappropriate development in the Green Belt. No conflict therefore arises with Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) (the LPP2) which sets out that applications for development on land within the Green Belt will be determined in accordance with the Framework.
11. Given my findings that the proposal would not be inappropriate development, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Moreover, as the proposal does not amount to inappropriate development, there is no requirement to assess if there are other considerations that amount to very special circumstances needed to justify the development.

Other Matters

12. The proposed storage building would reflect the form and materials of the main dwelling. It would form a modest, ancillary structure to one side of the dwelling that would have limited visibility from the road owing to the solid entrance gates and boundary hedgerow, or from the adjoining property to the side due to the solid fence on the common boundary. It would preserve the character and appearance of the area.
13. The Council did not refuse the application for any other reason, including neighbours' living conditions, highway safety or ecology. There is nothing in evidence which leads me to a different view to the Council in these matters.

Conclusion

14. The proposal would not be inappropriate development in the Green Belt. Consequently, there is no conflict with the development plan or the Framework and the appeal should succeed, subject to a condition requiring development to be carried out in accordance with the approved plans, to provide certainty.
15. The Council also seeks a condition requiring details of external materials, but I am satisfied that these are sufficiently detailed on the proposed plans. Therefore, I shall amend the condition to require materials to be in accordance with these details to ensure a satisfactory appearance.
16. Finally, a condition is necessary to ensure that the permitted building is tied to the residential use of the wider site, so as to prevent separate agricultural use that may give rise to unforeseen impacts, particularly in respect of living conditions and character and appearance.
17. The appeal should therefore be allowed.

K Savage

INSPECTOR