



Appeal Decision

Site visit made on 20 November 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2024

Appeal Ref: APP/U2750/W/24/3347581

Land North of Mulberry Farm, Wistow Lordship, Selby YO8 3RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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).
 - The appeal is made by Mr C Clark, on behalf of CE & JE Clark, against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/0588/AGN.
 - The development proposed is new straw/bale store.
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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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for new straw/bale store at Land North of Mulberry Farm, Wistow Lordship, Selby YO8 3RR in accordance with the application ZG2024/0588/AGN and the details submitted with it including plan nos 0072-1, 0072-2, 0072-3, 0072-4, 0072-5, 0072-6, pursuant to Article 3(1) and Schedule 2, Part 6, Class A and the deemed conditions.

Preliminary Matters

2. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Prior approval appeals must not be determined on the basis of section 38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. I have had regard to the policies of the development plan and the National Planning Policy Framework only in so far as they are a material consideration relevant to the prior approval matters.
3. The Council has suggested two conditions should the appeal be successful. These would duplicate conditions set out in Paragraph A.2(2) of Part 6, which the development is bound by, and so would not be necessary in this instance.

Main Issue

4. Under Article 3(1) and Schedule 2, Part 6, Class A(a) of the GPDO, planning permission is granted for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection, extension or alteration of a building.
5. Condition A.2(2) of Class A requires the developer to apply to the local planning authority for a determination as to whether prior approval will be

required as to various matters. The Council refused the application for prior approval solely on the basis of siting, design and external appearance.

6. The main issue is therefore whether prior approval should be granted, having particular regard to the siting, design and external appearance of the building.

Reasons

7. The appeal site comprises part of an agricultural field located in the open countryside east of Wistow. The topography of the area is predominantly flat, save for an embankment immediately north of the site. Field enclosures and vegetation are limited, including at the appeal site.
8. The surrounding area is predominantly rural in nature, characterised by farmland interspersed with agricultural buildings and sporadic residential development. Within the immediate setting of the appeal site are several large agricultural buildings, including to the east beyond the adjacent field and to the south on the opposite side of Lordship Lane.
9. The appeal building would be set back from the lane, and the site does not benefit from much natural screening. Nevertheless, the size, proximity and orientation of the neighbouring buildings are such that the proposal would be significantly screened in many views from the south and east. Further screening would be provided to the north by the adjacent embankment. Viewed from the west, the building would be seen in the context of the neighbouring agricultural buildings.
10. While the land rises to the north of the appeal site, the location for the proposed building is predominantly flat and not appreciably higher than the surrounding land and buildings. The Council found that the design and materials for the proposal are appropriate for a typical agricultural building and there is no compelling reason before me to conclude otherwise.
11. In the context described above, the proposal would not appear visually intrusive or overly prominent. It would be in keeping with the prevailing rural character and appearance of the area and would not unduly detract from its otherwise open and undeveloped nature. The siting, design and external appearance of the building would therefore be acceptable.
12. The proposal would comply with Policies ENV1 and EMP13 of the Selby District Local Plan Adopted February 2005 and Policies SP18 and SP19 of the Selby District Core Strategy Adopted October 2013. These policies, among other provisions, seek to safeguard the natural environment and ensure that all development is of high quality, taking account of the effect upon the character of the area, and the standard of layout, design and materials. They also seek to ensure that agricultural development is well related to existing farm buildings or minimises its visual impact, is of a scale and design appropriate to its setting and is adequately screened and landscaped.

Conclusion

13. I conclude that the appeal is allowed and prior approval is granted.

Ryan Cowley

INSPECTOR