



Appeal Decision

Site visit made on 15 January 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/J1860/W/24/3348141

Land At (Os 7562 6728), The Hill, Abberley, Worcestershire, WR6 6BY

- 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 Joe Stuart (T/A The Last Two Fields on the Left) against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01620/FUL.
 - The development proposed is the erection of an agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building at Land At (Os 7562 6728), The Hill, Abberley, Worcestershire, WR6 6BY in accordance with the terms of the application, Ref M/23/01620/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 drawing nos: W21007-V2-RF-DR-A-PL-01, W21007-V2-RF-DR-A-PL-04, W21007-V2-RF-DR-A-PL-05, W21007-V2-RF-DR-A-PL-06, W21007-V2-RF-DR-A-PL-07, W21007-V2-00-DR-A-PL-08, W21007-V2-ZZ-DR-A-ES-01, and W21007-V2-ZZ-DR-A-ES-02.
 - 3) The development hereby permitted shall only be used for the purposes of agriculture or forestry as defined in Section 336(1) of the Town and Country Planning Act, 1990 as amended and for no other purpose or use whatsoever.
 - 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 5) Prior to the development hereby permitted being brought into use, the water management strategy as set out in the design and access statement dated 16 November 2023 shall be implemented and retained thereafter.

Preliminary Matters

2. The description of development on the application form contained a significant amount of detail and so I have amended it to the description contained on the Council's decision notice as it better summarises the proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located within a wider parcel of pastureland within an attractive area of open countryside. It is accessed via a rural lane by an existing field access gate. Along the lane there are a scattering of residential properties. Notwithstanding that there is some evidence of a previous building on the appeal site and there is a gravelled area near the field gate, the appeal site and the wider area of pastureland appears as an undeveloped, verdant and open area which creates a sense of spacious countryside which makes a significant contribution to the character and appearance of the area.
5. The appeal site and its surroundings are typical of the timbered plateau farmlands contained within the Worcestershire Landscape Character Assessment (WLCA) which are characterised by a dispersed settlement pattern of farmsteads and hamlets along with rolling topography dissected by broad valleys. This is also consistent with the Teme Valley National Character Assessment (TVNCA).
6. The proposal would involve the introduction of an agricultural building that the appellant sets out would support the agricultural use of the wider area of land. I note that the appellant indicates that he intends to produce hay and plant an orchard and consequently the proposed building would be required to store machinery and tools.
7. Among other things, Policy SWDP 2 of the South Worcestershire Development Plan adopted February 2016 (SWDP), sets out that in the open countryside development will be strictly controlled and will be limited to certain uses including buildings for agriculture and forestry. On that basis it is common ground between the main parties that the proposed use complies with Policy SWDP 2 of the SWDP.
8. However, the Council consider that the proposed building would be considered acceptable if it had been located to a more suitable part of the site which provides more screening which would have helped to reduce its visual presence.
9. I accept that there are parts of the wider parcel of pastureland which would provide greater screening for a proposed building. However, that does not mean these potential alternative locations are preferable to the proposed location. That is because to reach those locations would require additional access tracks across open fields which are steep, and this activity, along with the associated development would have a significant adverse impact on the open character of the area.
10. Rather, the proposed location takes advantage of the existing gravelled area and the farm gate which provides convenient vehicular access to the lane. Although because of the slope the proposed development would be located on higher ground, it would be sited sensitively close to the lane and has been designed to ensure it does not have an unacceptable visual impact on its surroundings. Moreover, the proposed landscaping and boundary treatment would help to soften the proposal and integrate it successfully on the appeal site.

11. Further, the slope continues above the lane where there are existing residential dwellings. Consequently, the proposal would be compatible with this sensitive setting taking appropriate account of the existing landscape characteristics and nearby development and consequently would integrate successfully into its surroundings. It follows that I do not consider it necessary for the proposal to form part of a cluster of buildings which in any event would not be practicable in this case as the appeal site and the wider area of pastureland is physically separated from the nearest farm.
12. Moreover, the proposed building would be of a high design quality and would be constructed of appropriate materials and the scale, height and massing would be appropriate to the setting and the surrounding landscape character as set out in the WLCA and the TVNCA. Overall, the proposed development would not harmfully encroach into the open countryside, but rather would sit comfortably on its plot and would result in an agricultural building that would be entirely expected in this countryside location.
13. I therefore conclude that the proposed development would not harm the character and appearance of the area. Consequently, the proposal would accord with Policies SWDP 21 and SWDP 25 of the SWDP and Policy ABY5 of the Abberley Neighbourhood Development Plan 2020-2030, July 2021. Among other things these policies seek to ensure all development is of a high design quality that will integrate effectively with its surroundings, takes account of the latest landscape character assessment in terms of the siting, design, scale, layout, landscaping and boundary treatment and is appropriate to and integrates with the character of the landscape setting.

Other Matters

14. I have taken account of concerns expressed that the proposed building is not needed for the size of the agricultural land that it would support, that some works have been undertaken that appear to be preparing for residential development and the proposal would act as a “trojan horse” to enable future development. However, I have no reason to doubt the appellant’s evidence as set out in the agricultural statement that he intends to put the land into active agricultural use.
15. Further, this proposal relates to an agricultural building which I consider suitable for the use proposed, and I have determined the appeal on that basis. Any future change of use of the proposed building or an alternative development on the appeal site would need to be considered based on its individual merits in the normal way. Similarly, the fact that some interested parties consider the land would not be suitable for intensive farming does not alter my view on whether or not the proposed development would harm the character and appearance of the area.
16. I note that the access to the appeal site along the existing lane is very narrow. However, based on the available evidence I accept that the storage of equipment to support agricultural activity would likely reduce the number of journeys along the lane as it would not be necessary to bring equipment to the site every time it is needed as it would already be there. I also note that the Council does not have any concerns in relation to highway safety or the impact of the proposal on the existing highway network.

17. I note that local residents do not consider that the other developments that have been relied on by the appellant are comparable to the proposed development. However, I have determined this appeal on its individual merits and given the material differences associated with these other examples, their existence has not had a material bearing on the outcome of this appeal.

Conditions

18. I have had regard to the conditions suggested by the Council, and I have amended them as necessary in the interests of precision and clarity, as well as to comply with advice in the National Planning Policy Framework and Planning Practice Guidance.
19. A condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the area it is necessary to impose a condition to ensure that the details of the materials to be used are submitted and approved. However, this does not need to be a pre-commencement condition.
20. In the interests of sustainability and to protect the area from flooding it is necessary to impose a condition to ensure that the water management strategy proposed by the appellant is implemented. Finally, given the sensitive location of the building it is necessary to restrict its use to agriculture and forestry.

Conclusion

21. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR