



Appeal Decision

Site visit made on 11 February 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/Y3425/W/24/3349952

Land East of Brookside, Gregory Lane, Loynton, Stafford, ST20 0QL

- 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 Chris Waterfall against the decision of Stafford Borough Council.
 - The application Ref is 24/38748/FUL.
 - The development proposed is agricultural storage building to store agricultural machinery, agricultural implements and tools and general hay and feed store. The building is required in connection with the agricultural activities on the surrounding land. The applicant already owns all of the tractors, implements, tools etc that will be stored in the agricultural building. The applicant previously stored all of his equipment on a tenanted farm.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether sufficient evidence has been submitted to demonstrate that the proposal would be of a scale required for the essential operational needs of the smallholding;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposed access is appropriately annotated and would be acceptable with regards to highway safety.

Reasons

Essential operational needs

3. The appeal site comprises an agricultural field which is part of an agricultural holding of approximately 2.55 hectares (6.33 acres). The proposed building would measure 22.86m x 12.19m, giving an overall gross floor space area of 279m².
4. The proposal would be located within the agricultural field, owned by the appellant. It is described as an agricultural storage building to store agricultural machinery, agricultural implements and tools and general hay and feed store.
5. However, whilst the appellant indicates that the building is required to store hay, tools, and other agricultural implements and machinery, it is not clear that all of these purposes are only in connection with agriculture within the unit. The appellant was previously a tenant dairy farmer, but having lost his tenancy wishes to remain in farming. The appellant's Appeal Statement indicates that given the

loss of his dairy herd, the appellant has 'decided to turn to agricultural contracting, as he has retained a significant proportion of his agricultural equipment and machinery'. Moreover, the Statement highlights that the equipment is clearly over and above the requirements for 6 acres alone and would not warrant retaining it 'unless it were to be utilised for contracting purposes too'. I consider that this indicates that the proposed building is of a larger scale than would be necessary for the needs of the 2.25ha smallholding.

6. Furthermore, the definition of agriculture under Section 336 (1) of the Town and Country Planning Act 1990 (the Act) includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.
7. While an agricultural contractor will often carry out work on agricultural land, work as an agricultural contractor is not an agricultural activity which falls within the definition of agriculture as defined in section 336 of the Act.
8. My attention has been drawn to an approved application within the borough for an agricultural storage building of a similar size to that proposed¹. Whilst I do not have all the details of this case before me I note that the farm holding was larger than that in this appeal. The circumstances applicable to the Far Enson scheme are not exactly the same as those presented in this case, which I have determined on its own merits.
9. I acknowledge that it is highly likely that there is a need for some agricultural storage in association with the appellant's smallholding, and that there is a need for machinery to be kept indoors, safe from potential theft and inclement weather. Keeping the fodder undercover would also maintain its quality. However, given that the evidence before me indicates that the appellant has decided to turn to agricultural contracting at some level, I have insufficient evidence to be certain that the proposed building is of an appropriate scale that would be required for the essential operational needs of the smallholding.
10. I conclude that insufficient evidence has been submitted to demonstrate that the proposal is of a scale required for the essential operational needs of the smallholding. The proposed development would therefore conflict with Policies SP6 (i) SP7 (ii) and E2 (ii) of the Plan for Stafford Borough (2017) (PSB) which seek to promote a sustainable rural economy and support development outside settlements that provides for the essential operational needs for agriculture, forestry and rural business. It would also conflict with the National Planning Policy Framework, which seeks to achieve sustainable development and protect the natural environment.

Character and appearance

11. A building for agricultural storage at the appeal site would be set back from the highway and would largely be screened by an established hedgerow. The proposed development would have the typical appearance of an agricultural

¹ 23/38319/FUL

building that would not be uncommon on a farm holding. The materials proposed would be agricultural in appearance, and the proposal would not look incongruous in its rural setting.

12. However, in the absence of sufficient justification for the proposed development, it would represent an unnecessary intrusion into the open countryside which would harm the character and appearance of the rural locality. It would conflict with PSB Policy E2 which seeks to ensure developments respect and protect the natural landscape, and the Framework, which seeks to protect the natural environment.

Access

13. The Council consider that the position of the access was not correctly annotated on the submitted plans. However, there is only one vehicular access point from the road to the appeal site, and had I been minded to allow the appeal, it would have been possible to attach a condition stipulating that vehicular access on to the site was to be from the existing access point.
14. The appeal site is accessed from a narrow lane, and it is likely that agricultural vehicles entering the site would block the road, leading to any other vehicles using the road having to wait for manoeuvres to be completed. The Highways Officer therefore recommended that the access gates should be repositioned further from the carriageway edge, and the construction of the access be upgraded to prevent loose material from being dragged onto the public highway.
15. My attention has been drawn to a number of other decisions within the borough², which have required similar measures to those proposed by the Highways Officer in this case. I do not have all the details before me regarding each case, the site-specific circumstances, or the reasons whereby decisions were made. Whilst consistency is important in the planning process, each case must be determined on its own merits.
16. In this instance, the highway is very quiet and lightly trafficked, with good visibility in and out of the appeal site. Whilst I do not have substantive evidence before me relating to the potential number of vehicular movements that would occur as a result of the proposal, due to the lightly trafficked nature of the highway, I do not consider it likely that access on and off the site would be of a scale to prejudice highway safety.
17. The proposal would therefore accord with Policy T2 of the PSB, referenced in the Council's appeal questionnaire, which seeks to ensure that developments have safe and adequate means of access and do not materially impair highway safety. It would also accord with the Framework which requires that developments are served by safe and suitable access.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. For the reasons given above the appeal should be dismissed.

L C Hughes INSPECTOR

² 23/37760/FUL Land South Of Millenium Green; 23/38285/FUL - Site At Oulton Heath Farm; 23/38319/FUL - Far Enson Holding.