



Appeal Decisions

Site visit made on 25 March 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

Appeal Ref: APP/K3415/W/24/3348810

Dunnimere Farm, Portway Lane, Harlaston, Tamworth, Staffordshire B79 9LA

- 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 Richard Calcott against the decision of Lichfield District Council.
 - The application Ref is 24/00090/COU.
 - The development is described as "Change of use of agricultural land for vehicle parking and storage with associated landscaping".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ("the Framework") has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.
3. The Council, in their appeal statement, have stated that the fourth reason for refusal regarding the development's effect on the integrity of the River Mease Special Area of Conservation was unjustified and therefore, they do not wish to defend this reason for refusal. From the evidence before me, I have no reason to come to a different view. Consequently, I will determine the appeal on this basis.
4. The change of use is already taking place and therefore I am considering this appeal retrospectively.

Background

5. An application¹ for an agricultural storage building measuring 54.6m x 18.3m, 9.2m to the eaves and 10.4m to the ridge was determined by the Council on 18 May 2020 to not require prior approval for its siting, design and external appearance. The evidence before me suggests that an area of hardcore was laid and the building was subsequently constructed. However, the building burnt down in the Summer of 2021, leaving the area of hardstanding in-situ.
6. The area of hardstanding has subsequently been used to park/store HGVs, trailers and other vehicles, including vehicle parts. The appellant submitted a retrospective planning application² for the change of use of the land for vehicle parking and storage with associated landscaping, which was subsequently refused by the

¹ Planning Ref 20/00537/ABN

² Planning Ref 24/00090/COU

Council. Consequently, the Council issued an enforcement notice (“EN”) against the development.

7. The appellant appealed against both the Council’s refusal to grant planning permission and the EN. However, the Council has subsequently withdrawn the EN and therefore, this decision solely relates to the Council’s refusal of the planning application.

Main Issues

8. The main issues are the effect of the development on:
 - a) the character and appearance of the surrounding area, including the setting of Dunnimere Farm, a Grade II listed building; and
 - b) the living conditions of the occupiers of neighbouring properties with reference to noise, vibrations and dust.

Reasons

Character and Appearance, including the Setting of a Listed Building

9. The surrounding area comprises open fields interspersed with farms, farm buildings and isolated/small groups of dwellings. The surrounding land is relatively flat, allowing distant views. Field boundary hedgerows encompassing trees and small groups of deciduous trees are a common landscape feature. As such, the surrounding area has a rural/agricultural character and appearance.
10. The appeal site is surrounded by open fields. The appeal site is covered in loose gravel/MOT-type material that creates an extensive level area of hardstanding. At the time of my site visit, numerous HGVs, trailers and other commercial vehicles were stationed on the hardstanding. Some were in a dilapidated state and had collapsed. Piles of vehicle parts were also stored on the hardstanding. Consequently, the appeal site has the appearance of a commercial lorry park/breakers yard which is incongruous to the surrounding rural/agricultural landscape.
11. An earth bund along one side of the appeal site highly screens the parked/stored vehicles from the northeast. However, the vehicles are highly visible from Dunnimere Farm and when travelling along the access track. Due to the limited height of the field hedgerow along Main Road/Portway Lane and the presence of gaps/gates within it, the vehicles are highly conspicuous when travelling along the road. Consequently, the development significantly detracts from the surrounding rural/agricultural landscape in both short and medium distant views.
12. I acknowledge that the appeal site could be used to store agricultural vehicles, trailers and implements, or produce such as wrapped silage. However, piles of wrapped silage are a common feature within agricultural/rural areas. Furthermore, limited information has been provided regarding the types of agricultural vehicles, trailers and implements that could be stored on the land. Therefore, I am unable to ascertain whether they would be directly comparable to the development.
13. A landscaping scheme has been submitted that proposes a hedgerow along the northwestern and northeastern boundaries of the appeal site, and the planting of two Oak trees. However, the landscaping would take a substantial time to grow to a

height that would effectively screen the development. Furthermore, the proposed species mix is predominantly deciduous and therefore, it would unlikely screen the development during the winter months when the vegetation is not in leaf.

14. Dunnimere Farm is a Grade II listed building comprising an 18th century, two-storey farmhouse constructed of brick and render with a plain tiled roof. Traditional agricultural buildings converted into dwellings are positioned around a central courtyard. The listed building's setting is of open fields with dispersed agricultural buildings and dwellings.
15. The appeal site falls within the setting of this listed building and accordingly, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") to pay special regard to the desirability of preserving the setting of this listed building.
16. The development's industrial/commercial appearance erodes the rural/agricultural setting of the listed building. Furthermore, there is direct intervisibility between the development and the listed building when viewed from Portway Lane and the access track. Accordingly, the setting of the listed building is harmed by the incongruous industrial/commercial appearance of the development.
17. The appeal site is separated from the listed building by a large field. However, this does not overcome the harm to the listed building's setting that I have identified. Modern agricultural buildings are in the vicinity of the listed building, including a large poultry building, and a modern agricultural building previously occupied the appeal site. However, these buildings are synonymous with an agricultural/rural setting and therefore, are not directly comparable to the development.
18. Consequently, the development harms the setting of the listed building and causes less than substantial harm.
19. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 215 of the Framework, I must weigh the less than substantial harm against the public benefits of the development.
20. The appellant asserts that the development brings significant benefits to the local economy, local employment and the diversification of Dunnimere Farm. They also state that the development's rent contributes towards the farm and provides resilience to fluctuations in weather and agricultural prices. However, limited evidence has been provided to substantiate these matters. Furthermore, I am not persuaded that the development could not contribute to the local economy and local employment from an alternative location. As such, I afford these public benefits limited weight.
21. Consequently, the harm I have found in respect of the effect of the development on the setting of the listed building is not outweighed by the limited public benefits identified.
22. The appeal site is accessed from Portway Lane to the west by a single width unmade access track that also provides access to a poultry farm and the dwellings at Dunnimere Farm. The information before me suggests that the access track has existed for some years. The appearance of the access track is similar to other agricultural/access tracks found in rural areas and it did not appear overly wide at

the time of my site visit. Therefore, it does not harm the character and appearance of the surrounding area or the setting of the listed building.

23. For these reasons, the development (excluding the access track) adversely affects the character and appearance of the surrounding area, including the setting of Dunnimere Farm, a Grade II listed building. It conflicts with Core Policies 3 and 14, and Policies BE1 and NR1 of the Lichfield District Local Plan Strategy 2008-2029, adopted 2015 ("LP") and Policy BE2 of the Lichfield District Local Plan Allocations 2008-2029, adopted 2019 which, amongst other things, seek to protect and enhance the character and distinctiveness of Lichfield District, have a positive impact on the significance of the historic environment such as listed buildings, and support developments that conserve and enhance the historic environment and do not harm the significance of a heritage asset or its setting.
24. The Council's first and second reasons for refusal also refer to "*Strategic Policies 12 and 14*" of the LP. However, they are priorities of the LP, not policies.

Living Conditions

25. The access track exits onto Portway Lane immediately adjacent to 1 and 2 Dunnimere Farm Cottages. Consequently, the movement of HGVs, trailers and other vehicles to and from the appeal site is likely to cause noise, disturbance and vibrations to the occupiers of these properties. Furthermore, dust is likely to be produced from vehicles using the access track, particularly during dry weather, owing to the loose surface material.
26. The appellant asserts that a family member resides at No 1 who is employed on the farm. However, I am not aware that the dwelling is tied by an agricultural occupancy condition to the farm, and I must consider the effect of the development on the living conditions of the occupiers of No 1 for the dwelling's lifetime.
27. The appellant states that vehicles parked on the appeal site are retrieved at times of peak demand or when they can be re-purposed. However, it is unclear how frequently this occurs. The appellant also asserts that "*the daily comings and goings are low when compared to the comings and goings associated with the poultry unit and the agricultural use of Dunnimere Farm as a whole*". However, this has not been substantiated with evidence.
28. The Council has suggested a condition to restrict the development's hours of operation, and the appellant has confirmed this would be acceptable. I acknowledge that controlling the development's hours of operation could alleviate some of the development's effect on the living conditions of the occupiers of No 1 and No 2. However, the frequency of vehicle movements during these times could still have an adverse effect.
29. The appellant states that a routing plan for traffic could be secured by condition. However, all traffic to and from the development would have to utilise the access track and exit onto Portway Lane that is in proximity of No 1 and No 2. Therefore, a routing plan would have limited effect on the living conditions of the occupiers of these properties.
30. For these reasons, insufficient information has been provided to ensure the development would not affect the living conditions of the occupiers of neighbouring properties, with reference to noise, vibrations and dust. Therefore, the development

would conflict with Core Policy 3 and Policy BE1 of the LP which, amongst other things, seek to permit development that has a positive impact on amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, dust and other disturbances.

31. The Council's reason for refusal also refers to LP Core Policy 13. However, this policy refers to natural resources and therefore, it is not applicable to the development.

Other Matters

32. The appellant asserts that they would have to sell the land as an alternative to the commercial activities at Dunnimere Farm. However, this has not been substantiated with evidence.
33. The appellant requests that planning permission be granted for a temporary period of three years as it is their intention to construct an agricultural building on the appeal site in the future. The Planning Practice Guidance states that temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward. However, a temporary period of three years is not acceptable in this instance due to the harm I have previously identified.

Conclusion

34. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR