



Appeal Decision

Site visit made on 28 May 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/A0665/W/24/3356796

Quarry Brook Farm, Mill Lane, Kingsley, Frodsham WA6 8HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Aimee Finney of Quarry Brook Farm against Cheshire West and Chester Council.
 - The application Ref is 24/02173/FUL.
 - The development proposed is erection of agricultural livestock building and ancillary works (resubmission following refusal - 22/03856/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form notes the name of the applicant as Mrs A Finney. The appeal form notes the name of the appellant as Mrs Aimee Finney. As these names are similar and likely to be that of the same individual, I have utilised the name listed in the appeal form.
3. The appeal stems from the failure of the Council to determine the planning application within the prescribed period. No officer report was made available to me. However, the Council did submit an appeal statement which included a list of suggested conditions. This appeal statement also contains two putative reasons for refusal which the Council state that the appeal should be decided upon.

Main Issues

4. The main issues are:
 - whether the development is inappropriate development in the Green Belt, including whether there is a demonstrated operational need for it, having regard to the National Planning Policy Framework (the Framework) and any development plan policies; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Green Belt and the operational need of the proposal

5. Quarry Brook Farm is located to the west of the village of Crowton. The appeal site is a flat area of land, with rolling fields visible in each direction. The evidence before me demonstrates that consent has been achieved for a livestock building and a general-purpose building adjacent to this proposal. Whilst these buildings

had not been completed at the time of my site visit, work to the livestock building had begun.

6. The appeal site is also located in the Green Belt. The Framework sets out that the provision of new buildings in the Green Belt should be regarded as inappropriate other than for certain exceptions. Paragraph 154 (a) of the Framework notes that buildings for agriculture and forestry are appropriate forms of development within the Green Belt. The building is agricultural in nature. Therefore, the development would not be inappropriate development in the Green Belt with regard to the Framework test. There is no dispute between the parties on this point.
7. Policy STRAT9 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (LP1) notes that within the countryside, development which has an operational need for such a location, such as agricultural or forestry operations, will be permitted. Policy DM6 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (LP2) notes that development proposals must demonstrate that there is an operational need for the development in connection with the agricultural or forestry enterprise, amongst other things.
8. The appeal is accompanied by a Planning Appraisal (prepared by Brown Rural Chartered Surveyors, dated July 2024). This appraisal sets out that there is currently very limited agricultural production at Quarry Brook Farm. However, the intention is to increase the numbers of livestock to be sold on for meat production. Insofar as it is relevant to this appeal, this livestock would include pigs, turkeys and chickens of varying quantities. The appraisal sets out the various codes of practice, welfare and space requirements for the keeping of each of these animals.
9. I recognise that adequate infrastructure must be in place before any livestock is introduced to an agricultural premises. This is for each animals' safety, to provide appropriate welfare facilities and to prevent the spread of diseases such as Avian Influenza.
10. However, in my analysis of the evidence before me, there is an absence of any convincing evidence of a commitment to purchase any livestock, subject to planning permission being obtained for the development proposed. Furthermore, despite the assertion that the livestock would be sold on for meat production, there is an absence of a convincing business case before me. Therefore, it is not possible to determine that such a building would be required for this operational need, based on the need of the business. Most decisively, the appeal evidence is deficient of a registration with agencies such as the Animal and Plant Health Agency. No livestock is evidenced to be registered to be kept at the appeal site address, subject to permission being granted. Therefore, the absence of such evidence leads me to the conclusion that there is no demonstrated need or demand for a new agricultural building to further support this agricultural enterprise.
11. The appellant contends that by reason of planning consent being granted for other buildings at Quarry Brook Farm, the operational need for agricultural buildings has been addressed and accepted by the Council. However, whilst the operational need for these previously consented buildings may have been

accepted, these are subject to separate planning consents. It does not immediately follow that each building proposed should be granted consent based on an operational need for other uses being identified for those previously consented agricultural buildings.

12. Consequently, whilst the building would not be an inappropriate agricultural building in the Green Belt as stipulated by Paragraph 154 (a) of the Framework, it has not been demonstrated that there is an operational need for it. Therefore, the proposal would conflict with the requirements of Policy STRAT9 of LP1 and Policy DM6 of LP2.
13. The Council have cited Policy ENV2 of LP1 in their putative reason for refusal on this matter. This policy is concerned with the effect of development proposals on the landscape. This policy does discuss the matter of the Green Belt and the key gaps between settlements. However, this is in relation to the protection and maintenance of their character. Therefore, I find that this policy is not directly relevant to whether there is an operational need for the development proposal.

Character and appearance

14. The proposed development would be sited in a position which would form a line of agricultural building development and therefore, it would be easily read in this context. It would be taller than these previously approved buildings. The upper roof section of the proposed building would be visible from public vantage points along Mill Lane to the north. The full scale of the proposed building and its connection to those previously consented would be visible from the rear windows of several neighbouring properties which surround the appeal site. This would create a prominent building of a substantial overall height within the landscape and would be taller than those to which it would be closely related to.
15. I am cognisant that agricultural buildings are not all of one repetitive form, size or height, and are used in different ways from each other. The appellant contends that the concerns raised in relation to the height of the building have not had regard to its operational requirements. However, with specific regard to height, these operational requirements have not been convincingly justified in the evidence before me.
16. To conclude, the proposal would harm the character and appearance of the area. It would therefore conflict with Policies STRAT9 and ENV2 of LP1, Policies DM3 and DM6 of LP2 and Policy ENV3 of the Norley Neighbourhood Plan. These policies seek for development proposals to be appropriate in scale and height so that it does not harm the character of the countryside.

Other Matters

17. The appeal is accompanied by a Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990. As the appeal has been dismissed on the main issues above, it is not necessary for me to look into this matter in detail, given that the proposal is unacceptable for other reasons.
18. Discussion has been made by several parties on various activities being undertaken at the appeal site. It is not for me in the realms of this appeal, which is focused on the erection of an agricultural livestock building, to come to a view on these matters.

Conclusion

19. The proposal would conflict with the development plan when read as a whole. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR