The Planning Inspectorate

Appeal Decision

Site visit made on 29 October 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2018

Appeal Ref: APP/B3438/W/18/3199456
Land to the Rear of 40 Grange Road, accessed from Hurst Road, Mossfield Drive, Biddulph, Staffordshire ST8 7RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Walley against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0710, dated 20 October 2017, was refused by notice dated 25 January 2018.
- The development proposed is retrospective application for construction of a Lean-to Tractor and Trailer Shed. Works have commenced on site but are not yet complete. The main structure is erected but cladding is not complete. The Structure provides weather protection for a tractor and trailer and other agricultural items that would otherwise be damaged if left uncovered, the application serves a agricultural small holding that does not have a agricultural holding certificate.

Decision

1. The appeal is dismissed.

Procedural matters

2. A revised version of the National Planning Policy Framework (the Framework)[1] has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework and any comments received in reaching my decision.

3. The address in the banner heading above has been taken from the appeal form which more accurately describes the site address.

Main issues

4. As the appeal site is in the Green Belt, the main issues are:

   (i) whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt;

   (ii) the effect of the proposal on the character and appearance of the area, and;

[1] National Planning Policy Framework, Ministry of Housing, Communities and Local Government (July 2018)

(iii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development and openness

5. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, unless the exceptions listed apply. The Council and the appellant have referred to exception a) buildings for agriculture and forestry and c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6. In addition to the Framework, policy SS6c of the Core Strategy[2] exercises strict control over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government Policy; the exceptions relevant to this appeal being a) and c) of paragraph 145.

7. The lean-to tractor and trailer shed exists on site, within a modestly sized field. The shed protects a tractor and other mechanical equipment from inclement weather. There is no disagreement between the main parties that the shed is and would continue to be used for the storage of a tractor and other agricultural machinery. However, exception a) of paragraph 145 of the Framework requires that the building has an agricultural purpose. There must, therefore, be consideration of the building's function and need, in relation to the agricultural enterprise.

8. The tractor and associated machinery is required to grow and harvest potatoes in the first instance and in the longer term other arable crops, for the appellants' consumption and to sell at market to supplement their pension. Growing food for private consumption does not comprise agriculture. Nonetheless I am satisfied that the field is sufficient in size to yield enough produce for personal consumption and for market and ultimately raise a supplementary income. The financial figures before me show that a supplementary income is possible from a crop of potatoes.

9. Given the size of the field, the planting and harvesting of potatoes and other crops by hand would be an insurmountable task. It is therefore reasonable that a tractor and agricultural machinery is needed to work the land for these purposes and stored in a safe and dry area. The development is not unnecessarily large for its purposes and although other items such as a cattle trough and golf buggy are being stored, this does not negate the building's need for the machinery for crop production.

10. It was evident on my site visit that the land had been recently ploughed. Land would normally be ploughed early summer so that potatoes could be sown and harvested early autumn. Having visited the site in the autumn I was surprised not to see any evidence of potato plants. In addition, the appellant maintains that the land would be used to farm other crops in the future but further details have not been provided. I would have expected a more robust business

[2] Staffordshire Moorlands Local Development Framework, A Local Plan for the Future of Staffordshire Moorlands, Core Strategy Development Plan Document (Adopted Version 26 March 2014)

proposal in support of the application if the appellant was committed to the use of the land for this cause. On the other hand, the evidence before me does not firmly indicate that the land has not been ploughed for potatoes or that it would not or could not be used for arable purposes.

11. On the balance of probability and in light of the evidence before me, I find that the building is and will continue to be used to store agricultural machinery to work the land for arable crops. As such, the building is consistent with exception a) of paragraph 145 of the Framework, that is a building for agriculture.

12. Exception c) of paragraph 145 refers to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' within the Framework. Nonetheless, an assessment of proportionality should reasonably take into account the overall size increase in terms of volume and external dimensions as well as floorspace.

13. The floorspace of the building is more than double that of the existing building. Furthermore, the roof profile is awkwardly juxtaposed to the existing building which altogether means that the development is disproportionate over and above the size of the original building. As such the proposal does not meet exception c) of paragraph 145 of the Framework.

14. Notwithstanding the development's compliance with exception a) of paragraph 145 of the Framework, therefore, the lack of compliance with exception c) means that the development is inappropriate development in the Green Belt.

15. Openness in the context of the Green Belt means freedom from development. The appeal site is a field that is open in character and has visual connections to the countryside. The existing building is within a prominent position but given its character as an agricultural building, it reads as an inherent part of the rural landscape.

16. The discernible size of the development and its prominent position within the field means that it results in a loss of openness. Nonetheless, the development has the appearance of an agricultural building and the activities associated with it would also be agricultural. Visually, therefore, the building would be appreciated as an inherent part of the countryside and the adverse impact on openness would be limited. However, a limited adverse impact means that openness is not preserved.

17. I therefore conclude that the proposal would not fall within the exceptions of development in the Green Belt and would adversely affect its openness, contrary to the Framework and Policy SS6c of the Core Strategy. As such the development would be inappropriate development in the Green Belt and would by definition be harmful to the Green Belt and should not be approved except in very special circumstances. I attribute substantial weight to this harm as required by paragraph 144 of the Framework.

Effect on the character and appearance of the area

18. The appeal site is surrounded by built development and the open countryside. Trees and other soft landscaping dominate and with the built development being relatively low in density and a modest proportion of current land uses, the area has a rural character which the appeal site is an integral part of.

19. Whilst the form and scale of the development competes with the scale of the existing building, it does not appear overly dominant to detract from the character of the countryside. The appearance of the development as an agricultural building assists with this, complementing the rural character of the area. Therefore, whilst visible from the land around, including from a public footpath, the development does not appear overly dominant or incongruous to be considered out of keeping with or harmful to the character of the local landscape.

20. As such the development is not contrary to policies SS6c, DC1 and DC3 of the Core Strategy which seek development that protects and where possible enhances the character and quality of the local landscape.

Other considerations

21. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

22. Whilst, in light of the evidence before me, I find no reason to question the need for the land to raise a supplementary income, details on alternative uses are limited. For example there are no financial details to demonstrate that other uses would be unviable. Similarly, the appellant maintains that stables would need to be larger than the existing development, without reasoned justification. As such I attach little weight to the argument that arable crops are the only viable and reasonable use for the site.

23. I note that no objection was raised by the Council on matters including highway safety and design. This carries limited weight.

Very special circumstances

24. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

25. I have concluded that the development would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the openness of the Green Belt. Substantial weight must be given to these harms.

26. The 'other considerations' identified carry limited weight in favour of the proposal and therefore do not clearly outweigh the substantial weight which I give to the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

27. For the reasons given above, the overall conclusion is that the appeal is dismissed.

R Walmsley

INSPECTOR