



Appeal Decision

Site visit made on 27 September 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2022

Appeal Ref: APP/B3438/W/22/3295799

Broadgate Hall, Cheadle Road, Winnothdale ST10 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr D Rowley against the decision of Staffordshire Moorlands District Council.
 - The application Ref DET/2022/0002, dated 11 January 2022, was refused by notice dated 8 February 2022.
 - The development proposed is erection of agricultural storage building.
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Procedural Matter

1. The address provided in the header is taken from the application form. It is clear from the evidence that the site is not located at Broadgate Hall, nor does the appellant reside at this address. Given that a section of the site boundary is adjacent to the land immediately surrounding Broadgate Hall, I consider it more accurate to identify the site location as 'Land adjacent to Broadgate Hall, Cheadle Road, Winnothdale ST10 4HU'. I have made my decision on this basis.

Decision

2. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1), Schedule 2, Part 6, Class A of the GPDO for erection of agricultural storage building, at Land adjacent to Broadgate Hall, Cheadle Road, Winnothdale ST10 4HU, in accordance with the application Ref DET/2022/0002, dated 11 January 2022, and the details submitted with it (including drawings numbered 1769-AL04, 1769-AL05 and 1769-AL06) pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2.

Reasons

3. Schedule 2, Part 6, Class A allows for the erection of a building which is reasonably necessary for the purposes of agriculture, on an agricultural unit over 5 hectares (ha). The Council has not questioned the need for the proposed building, and I have no justifiable reason to do so either. Additionally, the Council has concluded that the proposal complies with the relevant limitations outlined in A.1, and I agree with this conclusion.
4. One of the conditions of Schedule 2, Part 6, Class A is that the developer must apply to the local planning authority for determination as to whether prior approval is required for the siting, design, and external appearance of the proposed building. The Council has not raised any concerns regarding the

design or external appearance of the proposed building; prior approval was refused solely due to its siting.

Main Issue

5. In light of the above and the evidence submitted, the main issue is the effect of the proposal on the character or appearance of the area due to its siting.

Reasons

6. The Council considers that the appellant has not demonstrated that the proposed building could not be sited in a less visually prominent location within the site edged red. I appreciate the Council's desire to site the proposed building where it would have least visual impact. However, I must assess the proposal before me, rather than contemplate whether the proposed building could be sited elsewhere.
7. The stretch of road running past the site between Hollington Road, broadly to the west, and Firbob Lane, to the east, is characterised by open fields bounded mainly by hedgerows/hedgerow trees, dry stone walls and post and wire fences, with grass verges between the fields adjacent to the road and the road's edge. The upper levels of Cannock Chase and the Shropshire hills can be seen from the road some distance to the south/south-west.
8. Although there are only a small number of buildings located sporadically along the stretch of road referred to, they include a farmstead, New House Farm, located broadly east of the appeal site. The farmstead consists of a collection of buildings, several of which are similar in style to the building proposed and are sited a similar distance from the road as the proposed building would be. These buildings are the most prominent within the farmstead, being the largest, located closest to the road and with no trees or hedges screening them. As such they are clearly visible from the road.
9. Additionally, the appellant has drawn my attention to an agricultural building recently constructed, following the grant of planning permission, located south of the appeal site at Broad View. Although the building has been sited within proximity of the associated dwelling, as it sits at the top of a slight rise within the surrounding fields the building is very visible within the landscape when viewed from the road. Furthermore, the building is viewed against the backdrop of the upper levels of Cannock Chase and the Shropshire hills.
10. The Council considers the site of New House Farm to differ from the appeal site due to it being an established farmstead comprised of a collection of buildings, including the associated farmhouse, as opposed to an isolated agricultural building. The proposed building would be sited within proximity of Paradise Cottage and its associated buildings located on the northern side of the road, broadly opposite where the proposed building would be sited. However, I accept the proposed building would not read as being associated with these buildings, due to the respective sites being separated by the road, the land at Paradise Cottage sloping down from the road, and the presence of the band of trees/shrubs along the northern boundary of the site. Consequently, I accept that the building proposed would be isolated from other buildings/structures.
11. The Council's concerns regarding the siting of the proposed building stem partly from it being isolated/divorced from other buildings/agricultural structures. However, bearing in mind existing development at New House Farm and Broad

View, as described above, it seems to me that siting a new agricultural building within proximity of other buildings does not in itself guarantee that it would not be visually prominent nor that it would have less of an impact on the landscape than an isolated building. The proposal must be assessed in the context of the site-specific circumstances. Furthermore, within the site's rural context the proposed building would not appear incongruous, despite it being isolated.

12. The proposed building would measure around 30.4 m long x 15.3 m deep with a ridge height of 6.6 m. It would be constructed primarily of profiled metal sheeting painted "Moorlands green" on the exterior. It would be sited in an agricultural field, around 11 ha in size, located on the south-western side of the road. Although the field is relatively large and open, the building would be sited around 25 m from the road's edge, behind a dense band of trees, shrubs and plants around 20 m deep, with trees up to around 9 m high.
13. Due to the screening that is present, and the additional planting proposed, I consider the proposed building would be barely visible from the road when travelling in either direction, even during autumn/winter when most of the foliage would not be present. Nor would the proposed building be prominent when viewed from the south, as it would be viewed against the backdrop of trees, shrubs and plants.
14. The Council has expressed concerns about the effect of the proposal on the landscape should the existing trees, hedges and plants referred to be removed. I accept that the trees are not protected and that a condition requiring such landscaping to be retained in perpetuity could not be attached to the permission. However, I have not been presented with any compelling reason as to why such landscaping would be removed.
15. I therefore consider the proposal would not result in a visually intrusive and dominant development in the area. Hence, although the building would be isolated, it would be substantially less visible and prominent, and have less impact on the surrounding landscape, than existing agricultural buildings referred to within proximity of the site.
16. For the above reasons, I conclude that the siting of the proposed agricultural building would not harm the character or appearance of the area. Although not determinative, I note that the proposal would therefore accord with policies SS10, DC1 and DC3 of the Staffordshire Moorlands Local Plan (2020) and design policies in the National Planning Policy Framework (the Framework). These policies collectively, and among other things, require development to be well designed, respect the site and its surroundings and protect the character and appearance of rural areas.

Other Matters

17. Many of the issues raised in representations relate to the need for the building, the possibility of siting the building elsewhere, its future use, its effect on the character and appearance of the area and not adhering to development plan policies. These matters have been addressed above. However, for information and clarification, following the introduction of the Framework and subsequent changes to the GPDO, 'Annex E: Permitted Development Rights for Agriculture and Forestry' no longer forms part of Government planning policy guidance.

18. The other key issues raised can be summarised as relating to highways matters, noise disturbance, security/crime and health & safety. However, Schedule 2, Part 6, Class A of the GPDO does not specifically require an assessment of these matters. Nevertheless, within the broad context of considering the siting of the proposed building, the Council has not raised any concerns regarding any of these matters. As I have not been provided with any substantive evidence to demonstrate the likelihood of such harms arising due to the siting of the proposal, I conclude that the proposal would not raise any highways, noise disturbance, security/crime or health & safety issues that would justify not granting approval.

Conditions

19. I have considered the conditions suggested by both parties. However, Schedule 2, Part 6, Class A of the GPDO does not provide any specific authority for imposing additional conditions beyond those outlined in A.2. The specified conditions, which I draw the attention of both parties to, include timescale for implementation. They require the development to be carried out in accordance with the details submitted (which include plans, details of external materials and landscaping), and they require the building to be removed if it ceases to be used for the purposes of agriculture and the land restored to its condition before the development took place.
20. I note that one of the Council's suggested conditions refers to specifying the building shall be used for agricultural purposes only. Notwithstanding the above (ie the GPDO not providing any specific authority for imposing additional conditions in relation to Schedule 2, Part 6, Class A), should the building be used for a purpose in breach of the permission granted, the Council has the power to take enforcement action.

Conclusion

21. For the reasons outlined, I conclude that the proposal satisfies the requirements of Schedule 2, Part 6, Class A of the GPDO. The appeal is therefore allowed, and prior approval is granted, subject to the exceptions, limitations and conditions outlined in A.1. and A.2.

J Williamson

INSPECTOR