



Appeal Decision

Site visit made on 2 July 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2024

Appeal Ref: APP/X1925/W/23/3334845

Land at Mill End, Sandon SG9 0RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 appeal is made by Mr J Sapsed against the decision of North Herts Council.
 - The application Ref is 23/01404/AG.
 - The development proposed is the erection of agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits, amongst other things, works for the erection of a building on agricultural land, comprised in an agricultural unit of 5 hectares or more in area, which is reasonably necessary for the purposes of agriculture within that unit. Paragraph A.2(2)(i) states that for development permitted by Class A the developer must, before beginning the development, apply to the local planning authority for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.
3. The Council's reason for refusal is concerned with the siting, design, and external appearance of the proposal. However, since it issued the decision, additional applications have been submitted by the appellant to the Council. As a result of the evidence in those submissions the Council dispute that the proposal is reasonably necessary for the purposes of agriculture within the unit. The appellant has had the opportunity to comment on this during the appeal process and has subsequently not been prejudiced by the Council's position.

Main Issues

4. Taking the above into account, the main issues are:
 - whether or not the proposed building would comply with the conditions and limitations of Class A of Part 6 to Schedule 2 of the GPDO, with particular regard to whether or not it would be carried out on agricultural land, within an agricultural unit, and is reasonably necessary for the purposes of agriculture within the unit; and
 - if so, whether or not prior approval can be given having regard to the siting, design, and external appearance of the proposed building.

Reasons

Whether reasonably necessary

5. The land at Mill End is currently used for the growing of cereals and has been laid to grass previously and there is no dispute between the parties that it is agricultural land. After purchasing the land, the appellant has made several applications for different buildings and locations. This includes both for use in connection with livestock and hay/silage. As a result, the Council consider that the appellant has no clear plan for the land or demonstrated need.
6. Whilst the planning history confirms that the appellant has sought to develop a livestock enterprise requiring a building, that is not what is before me. Moreover, having purchased the land, I do not find it unusual for the appellant to explore options to support his enterprise. Indeed, I am equally mindful that the appellant's intentions may change in the future, or a future owner might farm the land differently. What is before me, is a building to support the existing arable use of the land and future grazing. This includes machinery and equipment, fertilisers, materials, and feed used for future grazing.
7. This is consistent with the proposal dismissed for a similar scheme at appeal (Ref: 3298494). Here the Inspector concluded that it would be reasonably necessary due to the size and nature of the holding and to avoid movements between the land at Mill End and Slate Hall Farm, which is also within the appellant's agricultural unit. The Council's officer report highlights the wording of other policies in its Local Plan, which refer to whether there is a clearly established existing functional need. However, the test set out in the GPDO is whether a building is reasonably necessary for the purposes of agriculture within the unit and that is how I have considered the proposal.
8. Moreover, there is a distinction between whether a building is absolutely necessary, or reasonably necessary, for the purposes of agriculture within the unit. In this regard, based on the evidence before me I have no reason to reach a different conclusion to that previously reached by the Inspector in respect of the proposed building being reasonably necessary.
9. I therefore conclude on this main issue that the proposed building would comply with the conditions and limitations of Class A of Part 6 to Schedule 2 of the GPDO, with particular regard to whether or not it would be carried out on agricultural land, within an agricultural unit, and is reasonably necessary for the purposes of agriculture within the unit.

Siting, design and external appearance

10. The field in which the proposed building would be sited in rises up from Mill End. A public right of way (PROW) from Mill End into the field enjoys broad open and exposed views of the agricultural landscape and expansive sky above the horizon. The size of the field, its wide-open qualities and views upwards to the horizon results in an exposed and large-scale landscape. This contrasts starkly with the more intimate qualities along Mill End, with its buildings, trees and planting close to the road and the enclosed pattern of smaller paddocks and structures at Mill End Equestrian.
11. Set within this landscape, the proposed building's siting would result in an overtly dominant and exposed structure that would detract from its landscape setting from public views. I have reached this conclusion even though its

design and external appearance would be of a type and size common in the countryside. The Inspector for the previously dismissed appeal (Ref: 3298494) raised concerns about its positioning remote from residences and other buildings in Mill End and about the prominence in the field and from the PROW. Whilst I accept that the building is closer to the road than the previously dismissed scheme, its exposed highly prominent siting within the field would still be harmful.

12. Mill End Cottage, a Grade II listed building, is located adjacent to the field that the proposed building would be positioned. It dates from the sixteenth century and has a distinctive thatched roof. Its special interest and significance, in so far as it relates to this appeal, is derived from its age, traditional materials, and construction techniques, combined with its rustic appearance. Its historic and visual relationships with the village and the open countryside, including around the appeal site, contribute positively to its setting and thus its significance.
13. The siting of the building would be seen in some views in combination with the listed building. From the PROW in the field the exposed prominence of the building's siting would compete in attractive views of the thatched roof. In this regard, its prominence in this exposed position would erode its open countryside setting to a small degree. Having regard to the remaining gap between the listed building and the proposed building, the extent of harm would be low and thus less than substantial, using the language of the National Planning Policy Framework. Even so, this adds to my concerns regarding how the building would be experienced in the proposed location.
14. I therefore conclude on this main issue that prior approval can not be given having regard to the siting of the proposed building.

Other Matters

15. The appellant has sought to consider previous concerns on siting and design. However, when deciding whether or not to grant prior approval for a proposed development my deliberations are confined to the matters set out under Class A of Part 6 to Schedule 2 of the GPDO as subject to the determination. In this regard, suggestions of wider public benefits, or whether the proposed development in this location is absolutely necessary and has to go somewhere on the land are not matters for my consideration in this appeal. Nor are the merits of possible alternative locations.

Conclusion

16. To conclude, the proposed development would be carried out on agricultural land, within an agricultural unit, and is reasonably necessary for the purposes of agriculture within the unit. Prior approval of the siting, design and external appearance of the proposed development is required. However, for the reasons given above, the siting of the proposed building would be unacceptable. As such, prior approval is refused, the proposed development is not permitted development under the provisions of Class A of Part 6 to Schedule 2 of the GPDO and the appeal is dismissed.

Mr R Walker

INSPECTOR