
Appeal Decision

Site visit made on 28 March 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/C3430/W/23/3314310

Land at the rear of 1 Broadacres Close, Stourton, Staffordshire DY7 5BW

- 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 Mrs Julie Harris against the decision of South Staffordshire Council.
 - The application Ref 22/00730/FUL, dated 26 September 2022, was refused by notice dated 24 November 2022.
 - The development proposed is the erection of a wooden shed.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a wooden shed on land at the rear of 1 Broadacres Close, Stourton, Staffordshire DY7 5BW, in accordance with the application Ref 22/00730/FUL, dated 26 September 2022, subject to the following conditions:
 - 1) The shed hereby permitted shall accord with the siting and dimensions shown on the submitted location and block plans.
 - 2) The shed shall be used for purposes in connection with the use of the land as a meadow.

The appeal site and proposal

2. Broadacres Close is a development of four houses on the edge of Stourton. The appellant and her husband are the owners and occupiers of No 1. At the rear, the property has a domestic garden, and beyond that is a further rectangular plot of land within the same ownership, extending to the banks of the Staffordshire and Worcestershire Canal. The appeal relates to this latter parcel of land, beyond the area permitted to be used as garden.
3. The shed which is the subject of the appeal was erected on the land in 2021, and remains in place. Planning permission for its erection is now sought retrospectively.

Main issue

4. The appeal site lies just within the boundary of the Green Belt, which excludes the house and garden, but includes the remainder of the land. The sole issue is whether the retention of the shed would accord with the terms of local and national Green Belt policies.

Reasons for decision

5. Paragraph 149 of the National Planning Policy Framework (the NPPF) provides for various types of development which may be carried out in Green Belts

without being regarded as 'inappropriate'. One of these, ('a'), relates to buildings for agriculture and forestry. In the South Staffordshire Core Strategy (the SSCS), adopted in December 2012, Policy GB1 states that development which accords with the NPPF will normally be permitted, and in this context repeats the NPPF's reference to buildings for the purposes of agriculture or forestry.

6. In the present case, the appellant states that the intention is to cultivate the Green Belt part of the site as a meadow, and that the shed is needed to house tools and equipment in connection with that use. On my visit, I saw that this part of the site is currently in the process of regenerating to rough grassland, with a scattering of wild flowers, and that some areas have been re-seeded to assist this process. The shed was being used to store a mower, tools, seeds and the like. I appreciate that some of these items could also be used for the purposes of maintaining the appeal property's domestic garden. But nevertheless, it is clear that the maintenance of the Green Belt part of the site as a meadow is likely to involve the use of tools and equipment, and in the circumstances, it seems to me not unreasonable for these to be kept on the meadow land itself.
7. Under Section 336(1) of the Town and Country Planning Act 1990, the use of land as a meadow falls within the definition of 'agriculture'. On this basis, the proposed shed is a building which is reasonably required in connection with the use of the land for agricultural purposes, falling within the terms of the exception provided by NPPF paragraph 149(a). As such, the development is therefore not inappropriate in terms of Green Belt policy.
8. In passing, I note that the lawfulness of an agricultural use on the land appears not to be disputed. To my mind, that is correct. The land was evidently used for some form of agriculture prior to the development of Broadacres, and in any event, by virtue of Section 55(2)(e) of the Act, a change to agricultural use would not constitute development.
9. I note the Council's desire to avoid setting a precedent in relation to other nearby properties. However, it would be for the occupiers of those properties to demonstrate that the use involved was genuinely agricultural. I have considered the present appeal case on its own individual facts and merits, and have reached my conclusion on this basis.
10. I conclude that, in terms of SSCS Policy GB1 and NPPF paragraph 149, the shed in question does not amount to inappropriate development. The development therefore involves no conflict with Green Belt policy. In the circumstances, it is not necessary for me to consider the effects on the Green Belt's openness or underlying purposes, nor to look for any very special circumstances.
11. It follows that permission should be granted. In allowing the appeal, I have imposed conditions relating to the approved plans, which is needed for reasons of certainty; and to control the use, which is necessary to ensure continuing compliance with Green Belt policies. On this basis, the appeal is allowed.

J Felgate

INSPECTOR