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# Appeal Decision

Site visit made on 9 April 2024

**by L C Hughes BA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 May 2024**

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**Appeal Ref: APP/C3430/W/23/3333791**

**Finnley Barns, Church Road, Swindon, Staffordshire DY3 4PG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Graham Evans against the decision of South Staffordshire District Council.
  - The application Ref is 23/00723/FUL.
  - The development proposed is the erection of an agricultural building for storage of conserved forage crops and machinery.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building for storage of conserved forage crops and machinery at Finnley Barns, Church Road, Swindon, Staffordshire DY3 4PG in accordance with the terms of the application, Ref 2023/00723/FUL, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are:
  - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
  - 2) whether any harm by reason of inappropriateness would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

3. The appeal site lies within the Green Belt. On site there is a dwelling, which was converted from a barn, stables and a tack room. The plans indicate that the proposed agricultural building would measure approximately 22.8m by 13.7m with a maximum height of approximately 5.8m and with an area of hardstanding. It would be located close to the existing buildings.
4. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, other than for a limited number of exceptions. One of the exceptions listed in paragraph 154a) is buildings for agriculture and forestry. Policy GB1 of the Local Plan for Staffordshire, Core Strategy Development Plan Document (2012) (CS) is consistent with the Framework, as it states that development acceptable within the terms of

national planning policy as set out in the Framework will normally be permitted. This includes new buildings that are directly related to agriculture.

5. The evidence before me indicates that the appeal site is part of a smallholding which extends to approximately 15.78 hectares, including the agricultural land on which the proposed development is sited, which extends to approximately 13.5 hectares.
6. The Council are concerned that the appellant's intentions, whilst agricultural, are theoretical at this stage and that the present use of the site is equestrian based. However, the appellant has stated that the land is currently used for agricultural grazing and cropped for hay. Irrespective of the level of activity, these are agricultural uses, and there is no compelling evidence that casts clear doubt that the site is not in use for agricultural activity.
7. The appellant has stated that the building would be used for storage of machinery and conserved forage produced on the holding. There is no substantive evidence to indicate that the building would be used for purposes not related to agriculture. The design of the proposal would not suggest anything other than an agricultural building and based on the evidence before me I am satisfied that the proposed development would be used for agricultural purposes.
8. I note concerns regarding the scale of the proposed building, insofar as it relates to its intended agricultural use. However, paragraph 154 of the Framework does not set out any limiting criteria relating to size for an agricultural building. The harvested forage crops would be of a quantity in excess of the appellant's own requirements. The appellant has stated that storage is required, as 800 large hay bales are harvested from two cuts annually, and I have no evidence to doubt the accuracy of this statement. Whilst hay bales could, in theory, be kept outside, there would be a functional and practical reason for storage of hay bales and machinery in a building, to maintain the quality of the hay, and keep the bales and the machinery dry and secure. There are no other buildings or structures on the appeal site that could reasonably accommodate the hay bales or the machinery.
9. As such, I am satisfied that there is justification for the proposed development, and that it would constitute an agricultural building on land in agricultural use, necessary for the operations of the smallholding. Consequently, I consider that the proposal would meet exception a) of paragraph 154 of the Framework.
10. I therefore conclude that the proposal is not inappropriate development within the Green Belt as defined by the Framework. It would also accord with Policy GB1 of the CS.

#### *Very special circumstances*

11. Given my findings that the proposed development would be for agricultural use and would not be inappropriate development within the Green Belt, very special circumstances do not need to be demonstrated to justify the proposal.

#### **Conditions**

12. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. For the sake of clarity, I have

amended the conditions as necessary. The appellant has confirmed their agreement to the pre-commencement condition.

13. In addition to the standard commencement condition, I have attached a condition specifying the approved plans in the interest of certainty (conditions 1 and 2).
14. In order to protect the character of the area, I have attached a pre-commencement condition requiring the submission and approval by the Council of the external materials to be used (condition 3). The condition is pre-commencement as the materials are an inherent element of the building, and their agreement is therefore required prior to the commencement of works. I have also imposed conditions requiring the submission and approval by the Council of external lighting, and prohibiting outside storage (conditions 4 and 5).
15. To prevent the use of the development for purposes which would be inappropriate in the location, I have attached a condition requiring the development to be used only for agricultural purposes (condition 6).

### **Conclusion**

16. For the reasons given above, I conclude that the development would comply with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
17. As a result, the appeal is allowed.

*L C Hughes*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Block plan; Location Plan; Elevation Drawings - Agricultural Building.

- 3) No development shall commence until details of the materials to be used for the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first use of any part of the building, a detailed external lighting scheme shall first be submitted to and approved in writing by the local planning authority. No external lighting shall be installed or provided on the site other than in strict accordance with the scheme.
- 5) There shall be no outside storage of goods or equipment in connection with the use of the building hereby permitted.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any Order that replaces or re-enacts that Order) (with or without modification) as they relate to the changes of use of agricultural buildings, the development hereby permitted shall only be used for agricultural purposes as defined by Section 336(1) of the Town and Country Planning Act 1990, and for no other purpose whatsoever.

**\*\*\*END OF SCHEDULE\*\*\***