

Appeal Decision

Site visit made on 12 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th January 2017

Appeal Ref: APP/J1535/W/16/3158090

Field adjacent to Horse Shoe Farm, London Road, Harlow, Essex CM17 9LH

- 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 Padfield (Hayleys) Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/2716/15, dated 20 July 2015, was refused by notice dated 9 March 2016.
 - The development proposed is a steel portal framed agricultural sprayer cover and chemical store lean-to off one end.
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Decision

1. The appeal is allowed and planning permission is granted for a steel portal framed agricultural sprayer cover and chemical store lean-to off one end at Field adjacent to Horse Shoe Farm, London Road, Harlow, Essex CM17 9LH in accordance with the terms of the application, Ref EPF/2716/15, dated 20 July 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: No. 150701.
 - 3) The development hereby permitted shall not be brought into use unless and until a scheme for surface water disposal has been fully implemented in accordance with details that have been previously submitted to and approved in writing by the local planning authority.

Application for costs

2. An application for costs was made by Padfield (Hayleys) Ltd against Epping Forest District Council. This application will be the subject of a separate Decision.

Procedural Matter

3. There is some dispute over the correct address for the appeal site, which is referred to as Horse Shoe Farm on the application and appeal forms. I note representations from interested parties that the site is not part of Horse Shoe Farm. From the location plan and based on my site visit, it is apparent that there is different land ownership and the site adjoins Horse Shoe Farm. Thus, I have described the location as the field adjacent to the farm, consistent with the Council's decision notice.
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Main Issues

4. The main issues are:

- (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
- (b) The effect of the proposal on the character and appearance of the area; and
- (c) The effect of the proposal on the living conditions of occupiers of neighbouring properties with regards to outlook, noise and disturbance and odour.

Reasons

Whether the proposal is inappropriate development in the Green Belt

5. The appeal site is within the Metropolitan Green Belt between Harlow and Epping. Paragraph 89 of the NPPF establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves buildings for agriculture and forestry. Policy GB2A of the Epping Forest Local Plan Alterations 2006 (LPA) states that planning permission will not be granted for the construction of new buildings in the Green Belt unless it is appropriate in that it is, amongst other things, for the purposes of agriculture. This is consistent with the approach of the NPPF to the Green Belt.
6. The appellant runs an agricultural business and the purpose of the proposed building is for the service of chemical sprayers and associated storage. Arguments over whether the building is necessary for the purposes of agriculture within the agricultural unit, or excessive in size for the proposed use, have no bearing on my assessment as to whether the development proposed is inappropriate in Green Belt terms or not, as neither the NPPF nor Policy GB2A include any such test. From the evidence before me, the proposed development is for an agricultural purpose.
7. Therefore, the proposal would not be inappropriate development in the Green Belt as it would comprise a building for agriculture. Thus, there would be no conflict with Policy GB2A or the NPPF in this regard. By its very nature, such development should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. For this reason, there is no requirement for me to go on to consider the effect of the proposal on the openness of the Green Belt or the purposes of including land within it. However, it is still necessary for me to assess the effect of the proposal on the other main planning issues outlined above.

Character and appearance

8. The appeal site is accessed off the B1393 via a driveway and yard that contains a number of large structures. On the north-east side of the yard and within the appellant's ownership is a grain store of substantial size. The proposed development would be to the north-west of this store within an area of rough grass that is currently used for storing vehicles and machinery in the open air. Both the grain store and appeal site are enclosed by an earth bund to the north-east, which separates them from open and arable countryside beyond as

far as the M11. To the west of the appeal site adjacent to the B1393 is boundary vegetation that was thick even at my site visit in mid-December, while to the south is a line of coniferous trees.

9. While the proposed development would be a substantial structure, it is similar in width and height to the grain store and not dissimilar to the scale of structures to the south and south-east around the remainder of the yard. It would be contained within the earth bund on rough ground, and would not physically encroach into the open countryside. It would be prominent in views from the north-east, but positioned alongside the grain store it would not be incongruous or overly dominant. The vegetation to the west and south would help to screen it from the B1393 and the yard. Given the other structures around the yard, it would not have an urbanising or industrialising effect on the area.
10. I have no clear evidence that the grain store was erected under permitted development rights in error, nor any substantiated evidence that the structure is subject to any current enforcement action. In the absence of anything other than anecdotal evidence on this matter, I have had regard to the presence of the grain store in coming to a view on the appeal scheme.
11. Concluding on this main issue, the proposed development would not harm the character and appearance of the area. Therefore, it would accord with Policy GB7A of the LPA, which seeks to avoid conspicuous development which would have an excessive adverse impact on rural character or visual amenities. It would also accord with Policy GB11 of the LPA which, amongst other things, permits agricultural buildings that would not be detrimental to the character or appearance of the locality. Finally, it would accord with Policy LL2 of the Epping Forest District Local Plan (DLP) 1998, which requires development in the countryside to respect the character of the landscape and/or enhance the appearance of the landscape.

Living conditions

12. A recently constructed property is located to the south-west of the appeal site on the opposite side of the driveway. At the time of my site visit, the property was unoccupied and landscaping works around it had yet to be completed. There is a single window on the side elevation facing towards the appeal site, located on the ground floor. While the proposed development is substantial, there would be a reasonable gap between it and the ground floor side window, plus a screen provided by the coniferous trees. This would limit any adverse effect on the living conditions of occupiers of the property in terms of their outlook. Properties to the west of the appeal site on the other side of the B1393 would have little visibility of the proposed development due to the vegetation boundary between the road and the appeal site.
13. The intended use of the proposed development is unlikely to generate significant levels of traffic movements. In any event, the adjacent B1393 is a busy road and existing uses within the yard, including a haulage company, already generate traffic movements via the site access. In that context, I am satisfied that there would be no material adverse impact on the living conditions of occupiers of the property to the south-west and properties to the west in terms of noise and disturbance. Finally, as a covered structure, there should be limited effects in terms of odour.

14. Concluding on this main issue, the proposed development would not harm the living conditions for occupiers of neighbouring properties. Therefore, it would accord with Policy DBE9 of the DLP which requires development to avoid an excessive loss of amenity for neighbouring properties in terms of visual impact, noise, smell and other disturbance.

Other Matters

15. There appears to be some confusion over the advice given by Natural England with regards to the size of the proposed development. I have had regard to the Biobed and Pesticide Facilities Training Report dated 10 April 2015, produced for the farm holding on behalf of Natural England. The recommendations include the erection of a covered filling area of a minimum width of 26 metres and associated pesticide store. The proposed development seeks to implement this and other recommendations in the report to address problems caused by chemicals contaminating watercourses. I also note that Natural England has not objected to the proposal.
16. The plans show that drains underneath the proposed development will take water and chemicals to an underground storage, with the cleaning space fully enclosed. This indicates that chemicals are unlikely to enter the soil, watercourse or air. I note that the appellant owns land elsewhere, but have no clear evidence to indicate that any other site or existing building would be better suited to this type of development. I also have no clear evidence that the building would not be used for the intended purpose or built as planned. Any material amendment to the design or change of use would likely require a fresh planning application.
17. I have not been provided with the details of previous planning applications relevant to this proposal, so cannot compare different proposals. In any case, I have determined this appeal on its own merits.

Conditions

18. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Given the size of the proposed building, a condition requiring details of surface water disposal is necessary to ensure that flood risk is not increased elsewhere. However, mindful of footnote 20 to paragraph 103 of the NPPF, I have not been presented with any clear evidence regarding the level of flood risk surrounding the appeal site to convince me that a flood risk assessment is necessary as suggested by the Council.

Conclusion

19. For the reasons given above, the proposal would not be inappropriate development within the Green Belt and would not harm the character and appearance of the area or the living conditions of occupiers of neighbouring properties. I therefore conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR