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## Appeal Decision

Site visit made on 13 October 2020

**by Robert Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

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**Appeal Ref: APP/L3245/W/20/3250951**

**Abbotsmoor Farm, Cefn-Y-Wern Junction to Haughton Farm Junction, Haughton, West Felton SY11 4HF**

- 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) Order 2015.
  - The appeal is made by JC & MW Suckley against the decision of Shropshire Council.
  - The application Ref 20/01092/AGR, dated 10 March 2020, was refused by notice dated 8 April 2020.
  - The development proposed is the excavation and creation of land to form a farm reservoir.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) for the excavation and creation of land to form a farm reservoir at Abbotsmoor Farm, Cefn-Y-Wern Junction to Haughton Farm Junction, Haughton, West Felton SY11 4HF, in accordance with the terms of application Ref 20/01092/AGR, dated 10 March 2020, and the plans submitted with it.

### Application for costs

2. An application for costs was made by JC & MW Suckley against Shropshire Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application for determination as to whether prior approval was required for the siting of an excavation and deposit of material was made under Schedule 2, Part 6, Class A of the GPDO (as amended). The proposed development is the formation of a reservoir to irrigate crops on an agricultural holding through the excavation and deposit of material on the land.
4. The prior approval procedure as set out under Schedule 2, Part 6, Class A of the GPDO makes no provision for any determination to be made as to whether the proposal would be permitted development. My decision in this appeal, therefore, does not purport to confirm whether or not the proposal would constitute development of a description falling within Part 6 of the GPDO. To that end, it is open to the appellant to apply for a determination under s192 of the Town and Country Planning Act 1990 and my determination of this appeal under s78 does not affect the issuing of a determination under s192 regardless of the outcome of this appeal.

5. Paragraph A.2(2) of the GPDO requires, amongst other things, that a determination be made as to whether the prior approval of the authority will be required as to the siting of the excavation or deposit.

### **Main Issue**

6. The main issue is whether or not the development proposed is appropriate in regard to its siting.

### **Reasons**

7. The appeal site forms part of an agricultural holding set within a rolling agricultural landscape of primarily arable fields divided by hedges and tree lines. The proposed location of the reservoir is in close proximity to 2 existing ponds formed from excavations surrounded by mounds. Some of the holding's buildings are nearby and therefore the location appears practical from an operational perspective.
8. The site is also close to a biogas energy generation site which accommodates buildings, a slurry bed and large storage clamps. These features are, in part, bordered by mounded embankments of a similar height to those proposed about the reservoir.
9. In a context of other manmade waterbodies and mounds, the reservoir would not appear at odds with the character of development in the locality. Furthermore, the site would benefit from partial screening by existing trees close to the northern edges of the proposal. This would limit clear views of the development from those aspects. Views from the nearest public roads to the south would be over some distance such that it would be seen in the wider landscape context and within a group of similar development. It would there assimilate with the character and appearance of development in the locality.
10. The Council's statement, including reference to a previously refused application ref. 20/00271/AGR, has not suggested that there are other reasons for concern in respect of the proposed siting. Whilst West Felton Parish Council have indicated that the site lies close to an aerodrome and would be visible from a public footpath, there is little evidence to suggest either of these aspects would cause the proposed siting to be inappropriate in its context or lead to significant planning harm.

### **Conditions**

11. Any planning permission granted under the GPDO is subject to the condition at paragraph A.2(2) that development shall be carried out in accordance with the details approved and within a period of 5 years from the date on which the application was submitted to the local planning authority. Based on the details submitted on the application form and plans, there is no reason for me to attach any further planning conditions relating to the development.

### **Conclusion**

12. For the above reasons, the appeal should be allowed.

*R Hitchcock*

INSPECTOR