



Appeal Decision

Site visit made on 7 November 2023

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

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Appeal Ref: APP/L3245/W/23/3321655

The Bungalow, Ragdon Junction to Ragdon Farm, Shropshire SY6 7EZ

- 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 Angela Morris against the decision of Shropshire Council.
- The application Ref 22/01331/FUL, dated 17 March 2022, was refused by notice dated 27 January 2023.
- The development proposed is the erection of an agricultural implement storage building.

Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural implement storage building at The Bungalow, Ragdon Junction to Ragdon Farm, Shropshire SY6 7EZ in accordance with the terms of the application, Ref 22/01331/FUL, dated 17 March 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. The legal designation and policy status of AONBs are unchanged.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area which forms part of the Shropshire Hills National Landscape having regard to the siting, scale, and design of the proposed agricultural building.

Reasons

4. The appeal site lies in the hamlet of Ragdon, which consists of a group of residential dwellings and farm buildings. The site is located within the Shropshire Hills National Landscape (formally AONB). Within such a designation there is a statutory requirement to have regard to the purpose of conserving and enhancing the natural beauty of the area, and a national policy expectation to give great weight to conserving and enhancing its natural beauty. I have determined the appeal with these duties and responsibilities in mind.
5. The proposal is for an agricultural implement storage building. Policy CS5 of the Shropshire Council Adopted Core Strategy (CS) highlights that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities, particularly where they relate, amongst other criterion, to agricultural related development.

6. Although not cited within the reasons for refusal on the decision notice, Shropshire Council Site Allocations and Management Plan (SamDev) Policy MD7b has been referenced in the Officer report and provided in the list of relevant policies with the appeal questionnaire. This policy explains that proposals for agricultural development will be permitted where it can be demonstrated that the development is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve.
7. Concerns have been raised by interested parties that the proposed building is not necessary for any agricultural purpose. However, the property associated with the appeal has an agricultural holding number and it has been established that the field at the appeal site is used for agricultural purposes. Aerial photographs have highlighted that the field has been cut for the production of hay. This is a legitimate agricultural use, and the principle of an agricultural building at the site is therefore acceptable.
8. The submitted plans show that the proposed building would be 13.5m wide and 9.1m long. The Council's Officer's report details the barn would be approximately 4.3m high. A plan detailing the proposed layout for the farm machinery that would be stored in the proposed building was submitted as part of the planning application. I find that the size of the proposed agricultural building is appropriate and proportionate given the space required to store and access the machinery.
9. I saw from my site visit that Ragdon is picturesque and situated within a tranquil and attractive landscape. The hamlet comprises a small number of dwellings and other agricultural buildings, and in this regard the proposal would have an acceptable relationship with the existing pattern of development. Due to the nearby proximity of other agricultural buildings, I consider that it would not be out of context for the area, nor appear as incongruous.
10. I noted from my site visit that the proposed building would be visible from certain locations due to the open nature of the surrounding countryside, including Ragleth Hill and the nearby public rights of way which are enjoyed by many walkers and visitors to the area. However, it is not unreasonable for walkers and ramblers to observe agricultural buildings in a rural landscape, and the proposed development must be considered in the context of the existing buildings seen in the hamlet and the scattered development in the area.
11. The proposed building would be positioned close to and on lower ground than The Bungalow. Given the proposed buildings location in relation to The Bungalow, along with the fact that I have attached a condition to ensure appropriate landscaping to further screen views of the proposed development and break up the outline of the building, I consider that the building would be appropriately sited as it would not be isolated nor unduly prominent.
12. The proposed building would be constructed with green box profile roof cladding, clad with horizontal weather boarding with a dark stained finish, above blockwork lower walls. The design is functional but it would not look untypical of other agricultural buildings.
13. In my view, the siting, scale and design of the proposed agricultural building would respect the character of the hamlet and would not harm the character and appearance of the National Landscape. I therefore conclude that it would

comply with the relevant sections of Policies CS5, CS6 and CS17 of the CS which seek to protect the landscape, natural environment and local character and Policy MD12 of the SAMDev which seeks to protect the special qualities of the landscape.

Other Matters

14. Drainage issues did not form part of the reason for refusal, which I have dealt with in the assessment above. Nevertheless, I acknowledge the strong concerns from interested parties regarding drainage issues and the likelihood of increased flood risk as a result of the proposal. However, I note that these matters were considered by the Council at the application stage, and that they accepted specialist technical evidence which indicated that a drainage scheme would be able to accommodate anticipated flows without increasing the local flood risk. Whilst I can fully understand the concerns of local residents, there is no compelling technical evidence that would lead me to a different conclusion to the Council on this matter. I have attached conditions to ensure that an appropriate drainage scheme is delivered and that the proposal can be effectively drained with no adverse effect on the existing foul drainage field.
15. It has been brought to my attention that previous applications for an agricultural building have been refused at this location, and the importance of consistency in decision making. However, I have considered this case on its merits, and with regard to local and national planning policies, and concluded that it would not cause harm for the reasons set out above.
16. I note concerns that the proposed agricultural building could be used at some point for commercial or residential purposes. Whilst I have no substantive evidence before me that this would be the case, and I have determined the appeal on the agricultural building proposed, I have included a condition which permits the development to be used solely for agricultural purposes.

Conditions

17. I have had regard to the conditions suggested by the Council, as well as to national Planning Practice Guidance on conditions. In addition to the standard commencement condition, I have attached a condition specifying the approved plans in the interest of certainty.
18. In order to ensure the effective surface water drainage of the site and to minimise the risk of flooding, as well as to ensure that any maintenance of the proposed pipework can be undertaken, I have attached conditions relating to drainage. As these were in the officer's report and not in the schedule of conditions suggested by the Council, both parties have been notified and have confirmed that they agree with these conditions.
19. I have attached conditions requiring the submission and approval by the council of bat and bird boxes and external lighting so that the habitats of wildlife species are maintained and enhanced. I have also attached a condition requiring that the work is undertaken in accordance with the proposed mitigation and enhancement measures in respect of great crested newts, set out in the submitted documents, in order to safeguard this protected species.
20. I have attached conditions detailing the required colour of the roof, and specifying that the site is landscaped in accordance with the approved block plan, in order to protect the character of the landscape.

21. In order 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.

Conclusion

22. For the reasons given above, I conclude that the development would comply with the development plan as a whole and there are no other material considerations, including the Framework, to lead me to find otherwise than in accordance with it. As a result, the appeal is allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in strict accordance with the following approved plans and drawings: 73828/20/01 – Location Plan; 73828/20/02 – Existing Block Plan; 73828/20/03 Rev A – Proposed Block Plan; 73828/20/04 Rev B – Proposed Floor Plan and Elevations; TB-OP-501:Rev E – Culverting Watercourse Plan.
3. No development shall take place until a drainage scheme demonstrating that the proposed surface water soakaway will be located/orientated so that it is a minimum of 15m from the existing drainage field and 5m from the proposed structure has been submitted to and approved in writing by the local planning authority. The approved surface water soakaway shall be provided in full in accordance with the approved scheme prior to the first use of the hereby approved building and it shall be retained and maintained for its intended use at all times thereafter.
4. No development shall take place until a drainage scheme demonstrating that the proposed 150mm diameter pipe associated with the outflow from the agricultural field reservoir will be diverted around the hereby approved building has been submitted to and approved in writing by the local planning authority. Any drainage scheme shall demonstrate a minimum of 3m development easement to allow future access and maintenance. The approved drainage scheme shall be implemented in full prior to the first use of the approved building and it shall be retained and maintained for its intended use at all times thereafter.
5. Prior to the first use of any part of the building, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with full details of their types and positions, that have previously been submitted to and approved in writing by the local planning authority. These shall include:

- a minimum of two external Woodcrete bat boxes or integrated bat 'bricks' suitable for nursery or summer roosting by small crevice-dwelling UK bat species; and
- a minimum of two external nesting boxes or integrated 'bricks' suitable for sparrows (i.e. with 32mm entrance hole and terrace design), house martins (house martin nesting cups) and/or small birds (32mm entrance hole, standard design); and
- swifts (swift bricks or boxes with entrance holes no larger than 65 x 28 mm).

These shall be retained thereafter for the lifetime of the development.

6. 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, and shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.
7. The development (including site clearance works) shall be carried out in strict accordance with the proposed mitigation and enhancement measures in respect of great crested newts, as set out in the submitted letters by Wilkinson Associates Environmental Consultants, dated 21 August 2020 and 18 January 2021.
8. The roof of the building hereby permitted shall be covered or finished externally with through-coloured/factory-finished material, in colour BS 12 B 29 ('Juniper Green'). This shall be retained thereafter for the lifetime of the development.
9. The site shall be landscaped in accordance with the approved block plan (drawing No. 73828/20/03 Rev. A). All planting shown thereon shall be completed by the end of the first planting season following the substantial completion or first use (whichever is the sooner) of the building hereby permitted. Any trees or plants which, within a period of five years from the date of planting, die, are removed, or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species.
10. 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.