

## **PLANNING COMMITTEE,**

**7<sup>th</sup> February 2024**

### **INFORMATION REPORT**

#### **APPEAL DECISION RECEIVED**

Mr Parfitt	Appeal against the refusal of planning permission for an Agricultural Storage Unit - Land At 24B Gringley Road Misterton
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**DECISION:** Appeal DISMISSED by the Inspector.

An application for planning permissions to erect an Agricultural Storage Unit under delegated authority on 13<sup>th</sup> January 2023 for the following reason;

Policy DM3 of the Bassetlaw Local Development Framework states that proposals for agricultural purposes will be supported where the buildings or structures are necessary for agricultural purposes, other sites more suitable sites are not available and the scale, design and form is appropriate for its location.

It is considered that the scale of operations to support land maintenance and grazing on the land in question are not sufficient to qualify as an agricultural unit. The business operations of feed additives is also not considered to be an agricultural business and rather is an industrial process related to agriculture and does not require location in this specific site in the open countryside. If permitted, the development would therefore be contrary to the policies of the Local Development Framework.

The inspector considered that the main issues were;

- whether the proposal is in a suitable location having regard to flood risk, and
- whether the proposed development is necessary for agricultural purposes in the specific location proposed, and its effect on the character and appearance of the area.

The Inspector stated the following:

Flood Risk;

The appeal site is located within Flood Zone 3. Regardless of the flood risk vulnerability classification of the proposed development, the Framework and Planning Policy Guidance (PPG) aim to steer development to areas with the lowest probability of flooding through the application of the sequential approach. Policy DM12 of the Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD Adopted December 2011 (CS) reinforces this requirement.

While the appeal proposal has a footprint of less than 250sqm and is required for non-residential purposes, it is a wholly new building that does not comprise an extension or change of use. Therefore, it does not meet the exceptions listed within footnote 60 of the Framework and a sequential test is required. In the absence of such, it cannot be safely concluded that there are no other sites for the proposed development which are at lower risk of flooding.

Whether the proposal is necessary and the effect on character and appearance;

The proposed development is required to store equipment associated with the agricultural use of the site. The Supporting Statement, submitted with the planning application, listed the equipment. It includes a Massey Ferguson Tractor, Four Blade Plough, Flail Mower and Rotary Cultivator. Moreover, the development applied for, as included on the planning application form, is described as an agricultural storage unit.

Consequently, based on the evidence submitted, the scale of the development proposed and the balance of probabilities, the appeal site is in agricultural use and the proposed development is necessary for agricultural purposes, in connection with the land in which it is to be sited.

Views of the proposed development from the footpath located broadly to the south west of the site, would largely be against and alongside the back drop of the properties fronting Gringley Road, the field boundary and cluster of trees. Having regard to the low-lying topography of the site, surrounding vegetation and field boundaries, wider views would be limited.

Consequently, having regard to its intended use and the amount of land which it would be associated with, the proposed development, which is necessary for agricultural purposes, would conserve the existing field boundary and the open landscape of the appeal site and wider area. As such, it would not harm the character and appearance of the area.

The Inspector concluded:

I conclude that, while the proposal is necessary for agricultural purposes in the specific location proposed and would not harm the character and appearance of the area, the harm I have identified in respect of flood risk is determinative and outweighs the benefit referred to above. Therefore, the appeal proposal would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

A copy of the Inspector's decision letter follow this report.

OFFICER RECOMMENDATION: Refuse  
FINALISED DECISION LEVEL: Delegated