

Wokingham Borough Council
Civic Offices,
Shute End,
Wokingham
RG40 1BN

17th December 2025

Dear Sir/Madam

Section 73 Application – Little Acres, Hare Hatch, RG10 9TH – Removal of Condition 4 of Application Reference 212014

Planning permission (ref. 212014) was granted on 5th August 2021 for the erection of an agricultural storage building and associated hardstanding at Little Acres, Milley Lane, Hare Hatch.

Condition 4 of the decision notice states:

"Cessation of agricultural use

The agricultural building hereby approved shall not be used for any purposes other than those ancillary to agriculture. If the agricultural building(s) hereby approved should cease being used for the purposes of agriculture within the unit within 10 years from the date of substantial completion or first use, whichever is the later, then the approved building(s) shall be removed from the land, and the land shall be restored to its condition before the development took place within 3 years of the date that the agricultural use ceased, in accordance with details to be first submitted to and approved by the local planning authority."

The building is currently in use for agricultural purposes, however, the condition imposes an unnecessary requirement that is not consistent with national policy and guidance on the use of planning conditions. It is also impractical in the context of sustainability and long-term land management.

Accordingly, this Section 73 application is submitted to remove Condition 4.

Planning Practice Guidance and Policy

Paragraph 57 of the National Planning Policy Framework 2024 (The Framework) confirms that *"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."*

In practice, these are referred to as the six tests. The Planning Practice Guidance (PPG), at Paragraph: 003 Reference ID: 21a-003-20190723, reaffirms that each of the six tests *"need to be satisfied for each condition which an authority intends to apply"*.

Of particular relevance to this case is Paragraph: 014 Reference ID: 21a-014-20140306, which states that *"A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness"*

This guidance is directly applicable to Condition 4, which requires demolition of the building after a stated period.

The building permitted at Little Acres is clearly a permanent agricultural building. The requirement for its demolition in the event that the agricultural use ceases within 10 years of substantial construction does not meet the test of reasonableness, as explored below.

General Sustainability Considerations

At the heart of The Framework is the requirement to deliver sustainable development. Requiring the demolition of a permanent modern building, irrespective of its condition or potential for reuse, is not consistent with the principles of sustainability.

New buildings contain substantial embodied carbon. Their unnecessary demolition wastes materials and energy and conflicts with the framework as a whole. It is for this reason that there is policy support for building re-use in locations not necessarily in built-up areas.

Local Plan Policies Referenced in the Council's Reasoning

Condition 4 cites Policies CP11 and CP12 of the Core Strategy, and TB01 of the Managing Development Delivery Local Plan (MDD).

CP11 restricts non-essential development in the countryside. However, agricultural buildings are expressly regarded as acceptable forms of countryside development, subject to landscape and design considerations. The policy does not require demolition of lawful agricultural buildings should agricultural use cease.

CP12 applies the national Green Belt tests but contains no requirement that otherwise acceptable agricultural buildings must be removed if they ever cease to be used for agriculture.



Policy TB01 of the MDD sets criteria for assessing new rural or Green Belt development. Agricultural buildings fall within one of the exceptions to inappropriate development, and the policy does not require demolition should the agricultural use ever cease.

The MDD (2014) and Core Strategy (2010) remain part of the adopted development plan, but interpreting these policies must now take account of the NPPF (2024) and the Planning Practice Guidance, which places strong emphasis on proportionate, necessary and reasonable conditions.

None of the cited policies require or anticipate demolition conditions for agricultural buildings. They regulate the appropriateness of development at the point of construction, not hypothetical future scenarios years later.

Comparable Appeal Decisions

APP/R0335/W/23/3321872 - Land at Malt Hill Farm

This appeal decision, set out at **Appendix A**, is directly comparable. The Inspector considered an almost identical condition requiring the demolition of an agricultural livestock barn in the Green Belt if it ceased to be used for agriculture. The Inspector concluded that the condition failed the tests of necessity and reasonableness.

Important points from the Inspector's decision include the following:

- The building was granted permission for agricultural use and was not inappropriate development in the Green Belt. The Framework already makes clear that agricultural buildings are acceptable in the Green Belt and the Inspector confirmed that impact on openness is implicitly accounted for.
- The requirement under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to remove agricultural buildings if they cease to be used for agriculture within 10 years was acknowledged. However, the Inspector confirmed that *"... the GPDO relates solely to a situation where an agricultural building is permitted development. It therefore would not be appropriate to rigorously apply such criteria..."*
- The PPG requires conditions to be kept to a minimum and quotes guidance confirming that demolition conditions on permanent buildings are unlikely to be reasonable.
- Any later change of use would require planning permission and would be assessed on its merits and its impact on the openness of the Green Belt.
- The inspector reasoned that because the building's visual impact had already been judged acceptable, the Inspector concluded there was no justification for requiring its removal in order to maintain that acceptability.



- The inspector concluded that the disputed condition was *"...not necessary or reasonable to ensure that the proposal would not be inappropriate development in the Green Belt or prevent harm to the openness of the Green Belt and the other purposes of including land within it..."*

These conclusions apply equally here. The building at Little Acres is permanent, agricultural and acceptable in the context of Green Belt policy. There is no reasonable planning justification for requiring its demolition.

APP/B2355/W/17/3188367 – Land Opposite 10 Northfield Road, Rising Bridge

This appeal, set out at **Appendix B**, also concerned conditions requiring removal of an agricultural building if not used for agriculture and restricting its use to agriculture. Both were deleted.

Key points from the Inspector's decision include the following:

- The building was accepted as not inappropriate development, with the Inspector confirming that agricultural buildings fall within the Framework exception which is *"without qualification"* and that their effect on openness is *"implicitly taken into account."*
- The Inspector quoted the PPG that *"a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness."*
- The Inspector reasoned that non-use *"does not constitute cessation or termination"* of the agricultural use and that the building *"would lawfully remain an agricultural building... even if it were not being actively used."*
- There was no evidence of *"considerable numbers or an accumulation of redundant agricultural buildings... which have an adverse impact upon openness,"* meaning no justification for requiring removal or restricting permitted development rights.
- The inspector also reasoned that demolition was not required to prevent harm to character or landscape.
- In line with national guidance, the Inspector confirmed that *"conditions restricting the future use of permitted development rights... will rarely pass the test of necessity."*

This decision reinforces that demolition conditions attached to permanent agricultural buildings do not meet the tests of necessity or reasonableness and are not justified in the Green Belt.



Conclusion

Condition 4 is not necessary or reasonable for the reasons set out above.

The Planning Practice Guidance and recent appeal decisions confirm that demolition conditions on permanent agricultural buildings should not be imposed.

In respect of the justification for this condition, matters relating to the impact of the building on the character and appearance of the area were deemed acceptable. Both appeals touch upon this issue and found in favour of the Appellants.

In justifying the condition, the Council have not indicated that there are clear concerns or issues over the accumulation of redundant agricultural buildings in the area which are subsequently having a harmful impact on the Green Belt.

Removing the condition will not prevent the Council from considering any future proposals for alternative use. It will simply avoid an unnecessary and unsustainable requirement of demolition.

We therefore respectfully request that Condition 4 is removed from the decision notice.

Yours Faithfully



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The Planning Inspectorate

Appeal Decision

Site visit made on 5 January 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/R0335/W/23/3321872

Land at Malt Hill Farm, Malt Hill, Warfield RG42 6JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr H Byrne against the decision of Bracknell Forest Borough Council.
 - The application Ref 22/00515/FUL, dated 17 June 2022, was approved on 16 December 2022 and planning permission was granted subject to conditions.
 - The development permitted is the proposed erection of agricultural livestock barn.
 - The condition in dispute is No 4 which states that: The building hereby permitted shall be used only for the purposes of agriculture. Where the building hereby permitted ceases to be used for the purposes necessary for agriculture, the building shall be demolished and removed from the land within 12 months of the cessation of the agricultural use and the land restored with topsoil made to be level with adjacent land and seeded with grass.
 - The reason given for the condition is: To protect the character and appearance of the Green Belt and avoid the proliferation of buildings in a countryside area for which there is not a continuing need.
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Decision

1. The appeal is allowed and the planning permission Ref 22/00515/FUL for proposed erection of agricultural livestock barn at Land at Malt Hill Farm, Malt Hill, Warfield, RG42 6JQ granted on 16 December 2022 by Bracknell Forest Borough Council, is varied by deleting condition No 4.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Background and Main Issues

3. Planning permission has been granted for the erection of an agricultural livestock barn. I observed at the site visit that the development has been largely completed.
4. The appellant seeks to remove Condition 4 (the disputed condition) which sets out that the building shall be used only for the purposes of agriculture and that where the building ceases to be used for the purposes necessary for agriculture, the building shall be demolished and removed from the land

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within 12 months of the cessation of the agricultural use and the land restored with topsoil made to be level with adjacent land and seeded with grass.

5. The main issues are whether the retention of disputed condition 4 is necessary or reasonable having regard to:
 - The effect of the development on the Green Belt, including openness and the other purposes of including land within it; and
 - The effect of the development on the character and appearance of the area.

Reasons

Green Belt

6. The appeal site is located within the Green Belt and forms part of a larger landholding which comprises commercially managed pastureland grazed by livestock along with some managed woodland. The appeal property is located adjacent to another larger agricultural barn and the appeal site is surrounded by open farmland.
7. Among other things, saved Policy GB1 of the Bracknell Forest Borough Local Plan 2002 (BFBLP) indicates that approval will not normally be given, except in very special circumstances for any new building in the Green Belt, unless it is acceptable in scale, form, effect, character and siting and is for one of a number of purposes, including buildings for agriculture or forestry. Policy CS9 of the Core Strategy Development Plan Document adopted in February 2008 (CSDPD) sets out that the Green Belt will be protected from inappropriate development. Both policies are generally consistent with the Framework, but given their age relative to the most up to date version of the Framework, I necessarily consider the proposal relative to the Framework in so far as it is relevant to it.
8. Paragraph 154 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within certain listed exceptions. The listed exceptions include at sub-paragraph a), buildings for agriculture and forestry. The Council granted planning permission for the building subject to this appeal on the basis that it had been designed and would be used for agricultural purposes. When taking account of the site, the development and the associated land, I have no reason to take a different view. Consequently, the agricultural building is not inappropriate development in the Green Belt as it meets the exception listed at sub-paragraph a) of paragraph 154 of the Framework.
9. The relevant exception is without qualification. The effect upon the openness of the Green Belt of such a building is, therefore, implicitly taken into account. Consequently, once the development of an agricultural building is found to be not inappropriate in the Green Belt, the impact of the building on the openness of the Green Belt or the other purposes of including land within it are not matters requiring further assessment.
10. Turning to the disputed condition, paragraph 56 of the Framework states that *"planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to*



be permitted, enforceable, precise and reasonable in all other respects”.

The appellant in applying for planning permission for the agricultural building clearly intended it to be permanent. However, the disputed condition imposes a restriction upon the building relating to its use that would necessitate its removal within 12 months of it not being used for agricultural purposes.

11. I have taken account of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) as it relates to agricultural development and in particular the requirement which deals with the removal of buildings where the agricultural use has ceased under certain circumstances. Notwithstanding that the provisions are significantly different from those included in the disputed condition, this requirement in the GPDO relates solely to a situation where an agricultural building is permitted development. It therefore would not be appropriate to rigorously apply such criteria, or similarly guidance that was contained within former planning practice guidance when considering the merits of this appeal for an agricultural building in the Green Belt.
12. Further, The Planning Practice Guidance – Use of Planning Conditions (PPG) is clear that *“a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness”.*
13. It is clear that the building has been granted planning permission as an agricultural livestock barn. Such use clearly falls within the definition of agriculture and is therefore not inappropriate development within the Green Belt. Any change of use from that permitted by the planning permission would need to secure approval in the normal way and until the appeal building was used for another purpose it would remain an agricultural building even if for certain periods it was not actively used for agricultural purposes. In that context and having regard to the PPG and the Framework, it follows that the disputed condition is not reasonable or necessary to prevent harm to the Green Belt, including openness and the purposes of including land within it.
14. In reaching the above findings, I have taken account of the fact that the Council highlight that local and national planning policies can allow for changes of use of existing buildings to other uses in the Green Belt and expressed concern that residential development would have a greater impact on the openness of the Green Belt. A significant number of interested parties have objected and among other things have also expressed concern that the building would be used for some other use.
15. However, while paragraph 155 of the Framework does set out that certain other forms of development are not inappropriate in Green Belt, that is subject to the qualifications that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. For example, the re-use of buildings provided that they are of permanent and substantial construction is listed at sub-paragraph d) of paragraph 155. In that context, the Framework indicates that the re-use of a building for a purpose other than those listed in paragraph 154 of the Framework does not constitute inappropriate development and re-use does not inevitably introduce an adverse impact upon the openness of the Green Belt or harm



the other purposes of including land within it. As the interaction of paragraphs 154 and 155 in terms of re-use of buildings in the Green Belt is not time qualified, the application of the disputed condition which would require the removal of the building within 12 months of it not being used for agricultural purposes would not be a reasonable or necessary restriction in terms of paragraph 56 of the Framework.

16. The PPG is clear that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. There is no substantive evidence before me to indicate that there are considerable numbers or a proliferation of redundant agricultural buildings and former agricultural buildings in the Green Belt within the locality or elsewhere within the Borough that have an adverse impact upon its openness or the inclusion of land within it. Consequently, there is no evidence before me which justifies the restrictions imposed by the disputed condition and the exceptional circumstances for such a condition, therefore, does not exist.
17. Having regard to all of the above, I conclude that disputed condition 4 is not necessary or reasonable to ensure that the proposal would not be inappropriate development in the Green Belt or prevent harm to the openness of the Green Belt and the other purposes of including land within it, including to comply with Policy GB1 of the BFBLP, Policy CS9 of the CSDPD and the Framework in those respects.

Character and appearance

18. The Council granted planning permission for the development of the agricultural building. It therefore reasonably follows that it considered that the erection of the agricultural building and its scale and form would meet the requirements of Policy GB1 of the BFBLP, Policy CS9 of the CSDPD and the Framework in terms of its siting and appearance in the location proposed. Based upon the evidence before me, I have no reason to take a different view.
19. The agricultural building within the site does not appear out of place when viewed against the other existing agricultural barn and its surroundings. Moreover, requirements applicable to the re-use of agricultural buildings and any permitted development rights conferred to agricultural buildings in the GPDO provide adequate safeguards to prevent harm to the character and appearance of the countryside area should a use for non-agricultural purposes be sought in the future.
20. Further, as outlined above there is no evidence before me that there are considerable numbers or a proliferation of redundant agricultural buildings and former agricultural buildings within the locality or elsewhere within the Borough which have an adverse impact upon the character and appearance of the area and the countryside. Consequently, there is no substantive evidence before me which justifies the imposition of disputed condition 4 with respect to matters of character and appearance.
21. I therefore conclude that disputed condition 4 is not reasonable or necessary to make the development acceptable with regard to the effect of the development on the character and appearance of the area or to comply



with Policy GB1 of the BFBLP, Policy CS9 of the CSDPD and the Framework in that respect.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed, and I vary the planning permission by deleting disputed condition 4.

S Rawle

INSPECTOR





Appeal Decision

Site visit made on 22 January 2018

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2018

Appeal Ref: APP/B2355/W/17/3188367

Land Opposite 10, Northfield Road, Rising Bridge, Accrington, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr David Flynn against the decision of Rossendale Borough Council.
- The application Ref 2017/0322, dated 23 June 2017, was refused by notice dated 9 August 2017.
- The application sought planning permission for the erection of an agricultural building without complying with conditions attached to planning permission Ref 2017/0228, dated 22 June 2017.
- The conditions in dispute are Nos. 3 and 4 which state that:
"3. The building hereby permitted shall be removed from the land in its entirety if it is not used for the purposes of agriculture for a period of six months, within ten years of the building being substantially complete."
"4. The building hereby permitted shall only be used for the purposes of agriculture."
- The reasons given for the conditions are:
"3. To ensure the development accords with the permission sought and to protect the open and rural character of the countryside."
"4. To ensure the development accords with the permission sought and in the interests of neighbour amenity and highway safety."

Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building at Land Opposite 10, Northfield Road, Rising Bridge, Accrington, Lancashire in accordance with the application Ref 2017/0322, dated 23 June 2017, without compliance with conditions Nos. 3 and 4 previously imposed on planning permission Ref 2017/0228, dated 22 June 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr David Flynn against Rossendale Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application subject to this appeal sought removal of conditions 3 and 4 of planning permission reference 2017/0228 as listed in the appeal decision header. In the interest of consistency and for the avoidance of doubt, I have

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used the address listed on the Council's decision notice relating to that planning permission.

4. The site lies within land designated as Green Belt. The reasons for the conditions make no specific reference to Green Belt. However, the Council's evidence expresses a view that whilst an agricultural building is not inappropriate development in the Green Belt, if the building is no longer required for agricultural purposes in the future, its removal under condition 3 would be necessary to prevent the accumulation of redundant buildings and resultant harm to the openness of the Green Belt. I, therefore, include consideration of that matter in the main issues listed below.

Main Issues

5. The main issues are whether the disputed conditions are reasonable and necessary with regard to:
 - the effect of the development on the Green Belt, including openness and the other purposes of including land within it;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of occupiers of neighbouring properties, and;
 - the effect of the development on highway safety.

Reasons

Green Belt

6. The appeal site is within the Green Belt in a countryside setting on the northern side of Northfield Road. The site consists of a part timber fence and part dry stone wall enclosure with access via a gated entrance that is set back from the road edge. The site has an area of hardstanding, a number of metal storage containers sited towards its northern extent and some external storage of commercial paraphernalia. At the time of my visit, the planning permission granted for the agricultural building under planning permission reference 2017/0228 had not commenced.
7. The site adjoins open fields to the north and west with undulating land levels that are denoted on the submitted plans as within the appellant's ownership. The wider surroundings to the north and west are of a similar undulating topography with some groupings of agricultural and residential buildings visible in more elevated positions within the landscape. An A56 overpass is located close by to the west and a wooded area in an elevated position lies behind the dry stone wall immediately to the east.
8. Policy 1 of the Rossendale Core Strategy Development Plan Document 2011-2026 (CS), adopted November 2011, makes reference to Green Belt and indicates that proposals outside the boundary will be determined in accordance with the relevant national and local planning guidance. The CS pre-dates the publication of the National Planning Policy Framework (the Framework). I, therefore, necessarily consider the proposal relative to the Framework in so far as it is relevant to it.
9. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in Green Belt, unless it falls within certain



listed exceptions. The listed exceptions include at bullet point one, buildings for agriculture and forestry. The Council granted planning permission for the building subject to this appeal on the basis that it had been designed and would be used for agricultural purposes. When taking account of the site, the proposal and the associated land, I have no reason to take a different view. Consequently, the proposed agricultural building is not inappropriate development in Green Belt as it meets the exception listed at bullet point one of paragraph 89 of the Framework.

10. The exception from inappropriate development in Green Belt in bullet point one of paragraph 89 of the Framework relating to agriculture and forestry buildings is without qualification. The effect upon the openness of the Green Belt of such a building is, therefore, implicitly taken into account. Consequently, once the development of an agricultural building is found to be not inappropriate in Green Belt, the impact of the building on the openness of the Green Belt or the other purposes of including land within it are not matters requiring further assessment.
11. Turning to the disputed conditions, paragraph 206 of the Framework states that *"planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects"*. The appellant in applying for planning permission for the agricultural building clearly intended it to be permanent. However, condition 3 of planning permission ref: 2017/0228 imposes a restriction upon the building relating to its use that would necessitate its removal if it would not be used for agricultural purposes for a period of six months, within ten years of the building being substantially complete. Planning Practice Guidance (PPG)¹ is clear that *"a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness"*.
12. Having regard to the above, a recent appeal decision² relating to removal of a similar condition imposed on an agricultural building at Vale Lodge in Rossendale Borough has also been drawn to my attention. I agree with the Inspector that a period of non-use, such as the six month period specified in disputed condition 3, does not constitute cessation or termination of the use for which planning permission has been granted. Furthermore, the Inspector was also correct that a building would lawfully remain an agricultural building until it was used for another purpose and would, therefore, continue to be not inappropriate development in Green Belt even if it were not being actively used for agricultural purposes. In that context with regard to paragraph 206 of the Framework and the guidance within the PPG, it follows that the disputed condition 3 is not reasonable or necessary to prevent a harmful effect of the development on the Green Belt, including its openness and the purposes of including land within it.
13. In reaching the above findings, I have also taken into account that paragraph 90 of the Framework states that certain other forms of development are not inappropriate in Green Belt, subject to the qualifications that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The re-use of buildings provided that they are of permanent and substantial construction is listed at bullet point four of

¹ PPG, Use of Conditions, Paragraph: 014 Reference ID: 21a-014-20140306 Revision date: 06 03 2014

² Appeal Ref: APP/B2355/W/17/3174775 - Allowed with Conditions - 1 November 2017



paragraph 90. In that context, it is reasonable that the Framework implies that re-use of a building for a purpose other than those listed in paragraph 89 of the Framework does not constitute inappropriate development by definition and re-use does not inevitably introduce an adverse impact upon the openness of the Green Belt or harm the other purposes of including land within it. As the interaction of paragraphs 89 and 90 in terms of re-use of buildings in Green Belt is not time qualified, the application of disputed condition 3 for a period of ten years from completion would not be a reasonable or necessary restriction in terms of paragraph 206 of the Framework.

14. Agricultural buildings are also usually subject to permitted development rights under Schedule 2, Part 3, Classes Q, R and S of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). A qualifying time period would ordinarily apply for a new agricultural building to be used solely for an agricultural use as part of an agricultural unit for a period of at least ten years before the date of development under Schedule 2, Part 3, Classes Q, R and S of the GPDO. The disputed condition 4 would serve to remove the permitted development rights conferred to redundant agricultural buildings in the GPDO in that respect.
15. The PPG³ is clear that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. There is no substantive evidence before me which demonstrates that there are considerable numbers or an accumulation of redundant agricultural buildings and former agricultural buildings in the Green Belt within the locality or elsewhere within Rossendale that have an adverse impact upon its openness or the inclusion of land within it. Consequently, there is no evidence before me which justifies that the removal of permitted development rights or restrictions upon changes of use relating to agricultural buildings would be necessary to prevent harm to the openness of the Green Belt or the other purposes of including land within it. The exceptional circumstances for such conditions, therefore, do not exist.
16. Having regard to all of the above, I conclude that the disputed conditions 3 and 4 are not reasonable or necessary to ensure that the proposal would not be inappropriate development in Green Belt or prevent harm to the openness of the Green Belt and the other purposes of including land within it, including to comply with Policy 1 of the CS and the Framework in those respects.
17. Notwithstanding the above, a conclusion that the development would not be inappropriate in Green Belt or harmful to openness or the other purposes of including land within it, should the disputed conditions be removed, does not override the necessity to consider the other main issues.

Character and appearance

18. Policies 1, 23 and 24 of the CS, when taken together, seek that new developments are of the highest standard of design that respects and responds to local context, distinctiveness and character, including in terms of style, siting, scale, massing, density, layout, visual impact and materials, taking account of the relationship to the countryside. The policies are consistent with the design objectives of the Framework and its intention that the intrinsic character and beauty of the countryside is recognised.

³ PPG, Use of Conditions, Paragraph: 017 Reference ID: 21a-017-20140306 Revision date: 06 03 2014



19. The Council granted planning permission for the development of the agricultural building. It, therefore, reasonably follows that it considered that the erection of the agricultural building and its associated design, scale, massing, proportions and materials would meet the requirements of Policies 1, 23 and 24 of the CS and the Framework in terms of its siting and appearance in the location proposed. Based upon the evidence before me, I have no reason to take a different view. The agricultural building within the site would not appear out of place when viewed against the backdrop of the woodland and open fields immediately adjacent and the wider undulating landscape which includes other rural buildings. The presence of the agricultural building would also enhance the assimilation of the site with the character of the countryside, given that the incongruous metal containers within the site would be removed in accordance with condition 6 of planning ref: 2017/0228 prior to its first use.
20. Having regard to the above, the planning permission requirements applicable to the re-use of agricultural buildings and the permitted development rights conferred to agricultural buildings in the GPDO provide adequate safeguards to prevent harm to the character and appearance of the countryside area should a use for non-agricultural purposes be sought in the future. Furthermore, there is no evidence before me that there are considerable numbers or an accumulation of redundant agricultural buildings and former agricultural buildings within the locality or elsewhere within Rossendale which have an adverse impact upon the character and appearance of the area and the countryside. Consequently, there is no substantive evidence before me which justifies the imposition of disputed conditions 3 and 4 with respect to matters of character and appearance.
21. I conclude that the disputed conditions 3 and 4 subject to this appeal are not reasonable or necessary to make the development acceptable with regard to the effect on the character and appearance of the area or to comply with Policies 1, 23 and 24 of the CS and the Framework in that respect.

Living conditions – neighbouring properties

22. Policy 24 of the CS, amongst other things, seeks that development protects the amenity of the area, including residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy, soft landscaping and by mitigating noise and light pollution. The policy is consistent with the core principle of the Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.
23. The Council granted planning permission for the development and it reasonably follows that it considered that the erection of the agricultural building and associated activities within the site would not harm the living conditions of occupiers of neighbouring properties. Based upon the evidence before me and my observations, I have no reason to take a different view. The nearest residential properties are located on the opposite side of Northfield Road with intervening landscape screening between the rear gardens and nearest habitable windows. The prevailing noise environment for those properties is influenced by the presence of the busy A56 overpass nearby and, therefore, noise generating activities within the site would be less likely to be observed by occupiers of neighbouring properties.
24. In any case, the planning permission requirements applicable to the re-use of agricultural buildings and the permitted development rights conferred to



agricultural buildings in the GPDO provide adequate safeguards to prevent harm to the living conditions of occupiers of neighbouring properties should a use for non-agricultural purposes be sought in the future. In that context, there is no substantive evidence before me which justifies the imposition of disputed conditions 3 and 4 with respect to the living conditions of occupiers of neighbouring properties.

25. I conclude that the disputed conditions 3 and 4 subject to this appeal are not reasonable or necessary to make the development acceptable with regard to the effect on the living conditions of occupiers of neighbouring properties or to comply with Policy 24 of the CS and the Framework in that respect.

Highway safety

26. Policies 1, 9 and 24 of the CS, when taken together, relate to the accessibility of new development and public safety. The policies are consistent with the Framework in so far as it requires that safe and suitable access to the site can be achieved for all people.
27. The Council granted planning permission for the development and it reasonably follows that it considered that the erection of the agricultural building and use of the site for such purposes would not have a detrimental impact upon highway safety. Based upon the evidence before me and my observations, I have no reason to take a different view. The site lies on the outside of a gentle bend on Northfield Road which provides adequate visibility from the access in either direction across grass verges in the absence of a pedestrian footway. The site entrance through timber gates is set back from the road edge to allow vehicles to park off the road when opening them so as not to obstruct Northfield Road. Furthermore, there would be adequate space within the site to allow vehicles to turn so that they may enter and exit the access onto Northfield Road in forward gear. The site is accessible for pedestrians due to the presence of a pedestrian footway on the opposite side of the road.
28. Having regard to the above, the planning permission requirements applicable to the re-use of agricultural buildings and the permitted development rights conferred to agricultural buildings in the GPDO provide adequate safeguards to prevent harm to highway safety should a use for non-agricultural purposes be sought in the future. In that context, there is no substantive evidence before me which justifies the imposition of disputed conditions 3 and 4 with respect to the effect on highway safety.
29. I conclude that the disputed conditions 3 and 4 subject to this appeal are not reasonable or necessary to make the development acceptable with regard to the effect on highway safety or to comply with Policies 1, 9 or 24 of the CS and the Framework in that respect.

Other Matters

30. The appellant has raised additional concerns in terms of whether disputed condition 3 is sufficiently precise in its wording with respect to its definition of a six month period and whether identification of vacancy would be enforceable. A condition should only be imposed if it satisfies all six tests set out in paragraph 206 of the Framework. In that respect, given my findings in terms of each of the main issues that the disputed conditions 3 and 4 are not reasonable or necessary to make the development acceptable they do not meet



the requirements of paragraph 206 of the Framework. Consequently, it is not necessary to consider the other tests in so far as how the conditions would be implemented or enforced.

31. The appellant has also drawn to my attention that the Council did not impose similar conditions on other planning applications for rural developments in Rossendale and nor have Inspectors who have considered appeals relating to agricultural⁴ and rural buildings⁵ elsewhere within the Borough. However, I do not have the full details of those schemes or the evidence before the Inspectors which led to their conclusions and therefore, cannot be certain that the circumstances and evidence were the same as the appeal before me. I have considered this appeal on its own merits.

Conditions

32. The advice contained within the PPG makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In allowing this appeal and granting planning permission I have considered the other conditions imposed in planning permission Ref 2017/0228. As I have no information before me regarding the status of the other conditions imposed on the original planning permission, I shall re-impose all those that I consider to remain relevant having regard to the advice contained within paragraph 206 of the Framework and the guidance contained in the PPG. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
33. Having regard to the above, given my conclusions on each of the main issues that the disputed conditions 3 and 4 are not reasonable and necessary in the interest of the effect of the development on the Green Belt, the character and appearance of the area, the living conditions of occupiers of neighbouring properties and highway safety, they do not meet the requirements of paragraph 206 of the Framework. I, therefore, intend to grant a new planning permission that does not include them and therefore, re-number the other conditions accordingly.

Conclusion

34. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission is granted for the erection of an agricultural building, without compliance with conditions Nos. 3 and 4 previously imposed on planning permission Ref 2017/0228.

Gareth Wildgoose

INSPECTOR

⁴ APP/B2355/A/14/2212821 - Allowed with Conditions - 4 June 2014

⁵ APP/B2355/C/15/3139574 - Allowed with Conditions - 5 October 2016

