
Appeal Decision

Site visit made on 18 September 2015

by Phillip J G Ware BSc DipTP MRTPI

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

Decision date: 11 November 2015

Appeal Ref: APP/Y2810/W/15/3011090

Woolcombe Adams Farm, 19 Lauds Road, Crick NN6 7TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Andrew Fry against the decision of Daventry District Council.
 - The application Ref KD/DA/2015/0113/AG, dated 15 February 2015, was refused by notice dated 9 March 2015.
 - The development proposed is an agricultural access.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 20 October 2015.

Procedural matter

1. On 15 April 2015 the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) came into force. The relevant legislation provides for anything done under the previous Order to be treated as if it was carried out under the new provisions. As a result the application has effect as if it was made under the 2015 GPDO.

Decision

2. The appeal is dismissed.

Main issue

3. Permitted development rights grant planning permission subject to the prior approval requirements. In this case there is no dispute between the parties that the proposal falls within Part 6 Class B of the GPDO, subject to the limitations in Section B.1. One of these limitations states that the proposal is not permitted by Class B if the external appearance of the premises would be materially affected. (The Council has agreed that The Marsh is not a classified road, and no objection was raised on that basis or in relation to any of the other limitations in the GPDO.)
4. The main issue in this case is therefore whether the external appearance of the premises would be materially affected.

Reasons

5. The appeal site is a field fronting onto The Marsh, adjacent to Woolcombe Adams Farm and Barns. The barn and the adjacent farmhouse date from the

early/mid 18th century and are Grade II Listed Buildings (designated heritage assets). The long façade of the barn directly abuts the field where the access is proposed.

6. The appellant has suggested that the field and road frontage may not be within the curtilage of the Farm or the barn. However the appeal site is shown on the plan as including the barn and shows the farmhouse as being in the same ownership. The intention of the proposed access is to serve the agricultural unit, including the barn, without having to go through the original farm access.
7. In any event the barn is visually prominent from the north along The Marsh, and there is no doubt that the field is an important part of the setting of the barn. The field makes an important contribution to the significance of the heritage asset, in terms of the position within the village and its relationship to the remainder of the group of buildings around the former farmyard.
8. The proposal is a 14 metre long 5 metre wide access leading off The Marsh and running across the field. It would be formed in grey compacted hardcore. Due to the difference in levels between the field and the road, the access would require some regrading of the land. This is clearly apparent on the site and from the submitted plans. Comparison of the existing and proposed plans also shows the proposal to include a slight realignment of the boundary to provide visibility splays, although I appreciate that the appellant does not accept that the boundary is shown as being altered.
9. Work has been undertaken at the site, and has been the subject of action by the Council, but the access itself has not been formed. The proposal therefore remains potentially permitted development, as prior approval could not be given for work that has already taken place. I appreciate that there is also a dispute between the parties as to what works have been undertaken along the road frontage, but this is not before me. I note that there was an apparent error on the Council's website, which showed that the proposal had been approved, but this matter is not part of my consideration as to whether the proposal is permitted development.
10. The creation of a new access track leading from The Marsh would increase the visibility of the barn from this direction and would have a significant effect on the long elevation of the barn by creating an access close to the heritage asset across an existing field. This elevation makes an important contribution to the significance of the barn and would materially change the appearance of the premises.
11. The parties have both discussed the merits of the proposal in some detail. However the GPDO only provides that I should consider whether the external appearance of the premises would be materially affected. In this case, for the reasons set out above, I consider that there would be a material effect, and that therefore the proposal is not permitted development. The merits of the scheme would be considered on its merits in the context of a planning application.
12. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware
Inspector