

An aerial photograph of a rural landscape. In the foreground, there are several large, light-colored buildings, possibly industrial or agricultural. The middle ground shows a mix of trees and open fields. In the background, there are rolling hills under a clear sky.

## PLANNING STATEMENT

Revised application for the erection of an agricultural barn (including part retention of works) and erection of new 1.8m timber fencing and 1.2 post and rail fencing

Land on the east side of Broadway Road, Toddington, Cheltenham, Gloucestershire, GL54 5DT

**On behalf of:**

Mr W Holmes  
March 2023

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## 1.0 Introduction

- 1.1. Zesta Planning has been appointed by Mr Holmes (the Applicant) to submit a revised full planning application for the erection of an agricultural barn (including part retention of works) and erection of new 1.8m timber fencing and 1.2 post and rail fencing on land east of Broadway Road, Stanway.
- 1.2. The Council will be aware that the barn in question has been subject to several past planning applications and appeals. The barn is also subject to a current enforcement appeal under PINS references APP/G1630/C/22/3297174, APP/G1630/C/22/3297176 and APP/G1630/C/22/3297177, which presently remains undetermined. This followed the granting of planning permission 20/00035/FUL in May 2020 for an agricultural barn on the site, but where the barn had not been constructed fully in accordance with the approved plans.
- 1.3. As part of the current enforcement appeal, the applicant has scheduled some amendments to the scheme, all of which reflect the characteristics of the approved plans under application 20/00035/FUL. These changes include:
  - The removal of the roller shutter doors
  - The re-cladding of the barn with Yorkshire Boarding rather than green metal sheeting
  - Reduction in hardstanding and replacement with grass
- 1.4. It is evident from the Council's recent enforcement notice, dated March 2022 that their concerns to the altered barn are limited to the above matters, together with its increased size and external lighting as well as the boundary fencing. The enforcement appeal is ongoing and yet to be determined prior to the determination of this application.
- 1.5. However, this revised application is submitted on a 'without prejudice' basis to the outcome of the current enforcement appeals and includes a series of further amendments. These are submitted notwithstanding the applicant's view that the amendments proposed within the enforcement appeal ought to be accepted.
- 1.6. With this in mind, a new planning application has been submitted for the erection of an agricultural barn (including part retention of works) and erection of new 1.8m timber fencing and 1.2 post and rail fencing.

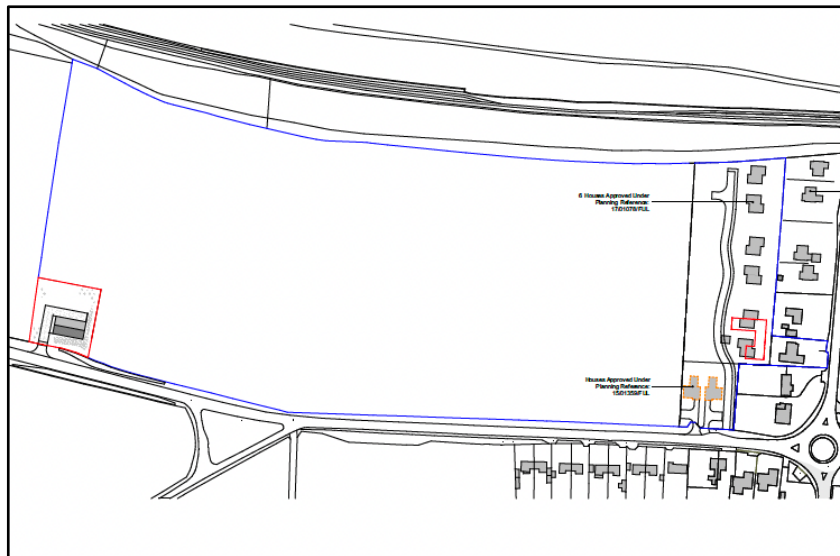
- 1.7. The proposed works would see the reduction in size of the as built barn, retain the external lighting, removing the roller shutters, recladding the barn in Yorkshire boarding, reducing the hardstanding area, removing aggregate and replacement with grass as well changing the boundary fencing to timber 1.8m fencing and new 1.2 stock fencing.
- 1.8. Given these matters were previously listed as concerns of the Council, we assume the proposal to incorporate these alterations will result in a positive outcome. The principle of development is also deemed acceptable given the previous approvals of an agricultural barn on the land. It is also considered the proposed development would not have any substantial impacts on the AONB or surrounding area.
- 1.9. It is noted that Section 70C of the Town and Country Planning Act provides powers for LPA's to decline to determine applications for planning permission, which would involve granting permission for development subject of an extant Enforcement Notice. However, that provision is not deemed relevant here as the Enforcement Notice has not come in to force. This is because an appeal has been lodged against the Notice, which has prevented that event from occurring.
- 1.10. Notwithstanding the above, this proposal is materially different to that which the Enforcement Notice relates. It would therefore not be appropriate for the LPA to attempt to use Section 70C powers for that additional reason.
- 1.11. This Planning Statement sets out a comprehensive assessment of the proposal. It sets out the proposed scheme. It then sets out the planning policies relevant to this case, and finally assesses the scheme against each layer of planning policy. It makes the clear case as to why the proposed development should be approved.
- 1.12. This Statement should be read as part of a package of material that makes up the application. Where relevant, this document will cross-refer to other material as necessary, including the package of application drawings.
- 1.13. The statement is structured as follows:
  - Section 2 – The Application Site and Planning History
  - Section 3 – The Proposed Development
  - Section 4 – Planning Policy Context
  - Section 5 – Analysis of Planning Considerations
  - Section 6 – Summary and Conclusions



## 2.0 The Application Site and Planning History

### The Application Site

- 2.1. The application site comprises a corner of a large agricultural field forming part of a wider agricultural land holding on the eastern side of the B4632 Broadway Road, Stanton. The land is roughly square shaped and covers 0.14 hectare and is located in the north-western corner of a large, cultivated area, lying just north of the Toddington Service Village. The whole parcel comprises approximately nine hectares of agricultural land.



**Location of application site**

- 2.2. The land slopes gently to its lowest point in the north-western corner of the field, which is where the barn is located. The barn is accessed via the original gated field access. The barn is sited on the lowest part of the field. The site benefits from a substantial tree lined boundary to the north-western corner, which runs along this stretch of the B4632 Broadway Road. The barn is set along this boundary.
- 2.3. The land in question benefits from an extant planning permission for an agricultural hay and storage barn that was granted in 2018 (TBC Ref: 18/00449/FUL) and 2020 (20/00035/FUL). An agricultural barn has been erected on the site, albeit it does not fully comply in all respects with that planning permission. Full details of this are set out below in the Planning History section.
- 2.4. The land is located within the Cotswolds AONB. There are no other planning or environmental constraints or designations affecting the site, which is located within

Flood Zone 1 (lowest risk) as shown on the Environment Agency's most up-to-date Flood Maps.

### Planning History

- 2.5. The Council's record of planning history shows that there have been several applications relevant to this development for an agricultural barn, which are summarised as follows:
- 2.6. **17/00758/FUL** – Erection of a 4-bay steel framed agricultural barn. Refused on September 2017.
- 2.7. **18/00449/FUL** - Planning Permission was then granted for the erection of an agricultural barn following its approval at the July 2018 Planning Committee. The application was conditioned requiring development to be begun “before the expiration of five years from the date of this permission”. As such, this permission remains extant until the 5<sup>th</sup> May 2023. In granting permission, the Council concluded that the barn was reasonably designed for agricultural purposes and had an acceptable visual impact on the AONB.
- 2.8. **19/00192/FUL** – Planning permission was then refused for the retention of the barn as built at the June 2019 Planning Committee. The main changes to the plans related to an amended siting and the barn being 6 metres wider. This decision was linked to the planning appeal (PINS Ref: APP/G1630/W/19/3236917) which was subsequently dismissed.
- 2.9. **20/00035/FUL** – Following on from the above refusal and dismissal, the 2020 application was submitted for the part retrospective application for an agricultural barn for storage, hay and livestock and associated works (Revised Scheme to 19/00192/FUL). The application was approved on 15<sup>th</sup> May 2020.
- 2.10. This revised scheme granted planning permission involved the removal of the roller shutter doors, the removal of the external lighting, the re-cladding of the barn with Yorkshire Boarding rather than green metal sheeting and also did not include the retention of the metal railings that surround the site. The application was for a three-bay barn instead of the as built four bay barn. The Council deemed this to be appropriate.

- 2.11. Further to the above, there is a current enforcement case in relation to the planning application 20/00035/FUL. The enforcement case reference held by the Council is 18/00153/OPDEV and is linked to the planning appeals (PINS ref: APP/G1630/C/22/3297174 - 3297176 and 3297177). According to the enforcement notice the matters which appear to constitute breach of planning control are the erection of an agricultural barn, laying of concrete hardstanding and retaining wall, erection of palisade fencing and access gates and installation of external lighting.
- 2.12. These Enforcement Appeals have not been determined at this time.



## 3.0 The Proposed Development

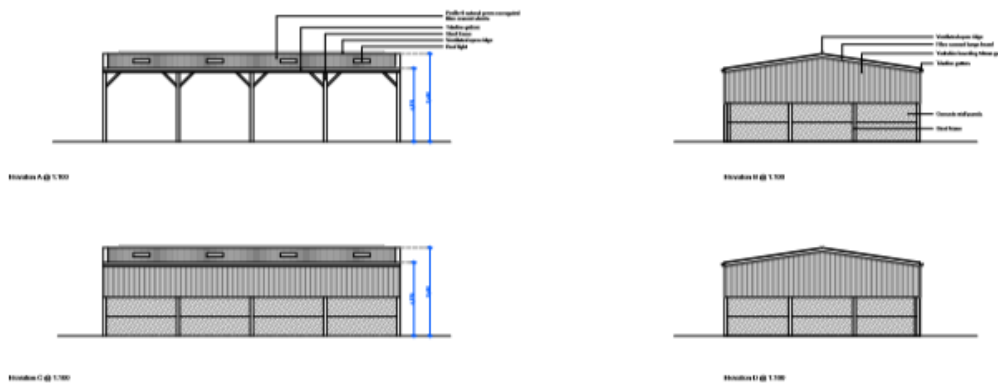
- 3.1. Without prejudice to the ongoing enforcement appeal for the agricultural barn following the approval of planning permission in May 2020 (TBC Ref: 20/00035/FUL), the current application seeks permission for the erection of an agricultural barn (including part retention of works) and erection of new 1.8m timber fencing and 1.2 post and rail fencing.
- 3.2. The barn is proposed to be retained in its current location, however its 'as built size' will be reduced from four bays to three and half bays. This will involve a reduction from around 24.5 metres in length to around 21.5 metres, with the approved barn being around 18. Metres. As such, this proposal is therefore in between the size of those schemes that have been permitted and refused.
- 3.3. Several currently unauthorised features are still present on the as built barn and are not in alignment with the 2020 permission. A number of the existing features are proposed to be removed, with a view to addressing the Council's concerns previously raised.
- 3.4. As set out, the agricultural barn is intended to be used primarily for the storage of hay, fodder and farm machinery. The barn will also be used for the keeping of livestock from time to time. There are other farm buildings and land within the applicant's wider farm holding, which includes land at other locations.
- 3.5. This application seeks approval for the following changes, to include those recently permitted under application 20/00035/FUL. These changes have also been put forward through the current enforcement appeal. There is a slight variation to the most recently permitted application in 2020, outlined below.
- 3.6. The main changes include:
  - An additional half bay is proposed further to the three-bay barn permitted in 2020
  - Retain the external lighting
  - Remove the roller shutter doors
  - Remove the metal cladding and replace with Yorkshire Cladding
  - Reduce the hardstanding area
  - Remove areas of deposited aggregate to be removed and areas laid to grass

- Proposed new timber fencing to the front and side boundary at 1.8m to replace existing metal palisade fencing and new 1.2 stock fencing to the side and rear boundaries

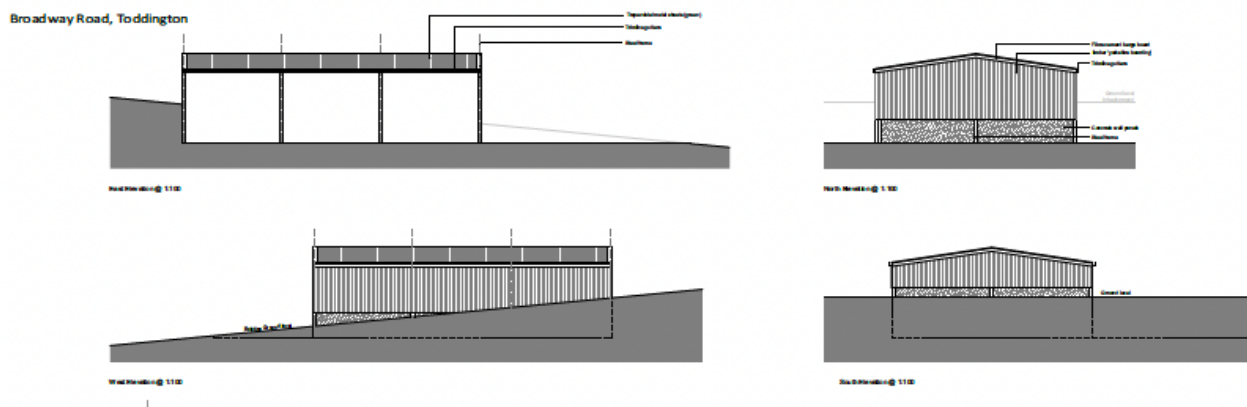
3.7. A number of these changes have been made in light of the Council's previous concerns over prior applications and appeals. The proposed development is very similar to that approved under the 20/00035/FUL application, along with a new proposed half fourth bay.

3.8. Below visualises the progression of the barn over the past few years starting with the 2018 planning permission, the 2020 planning permission and the currently proposed scheme for the part retention of the agricultural barn.

**Permitted 2018 scheme for an agricultural barn on site (TBC Ref. 18/00449/FUL)**

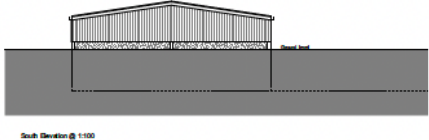
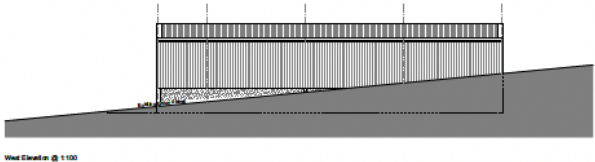
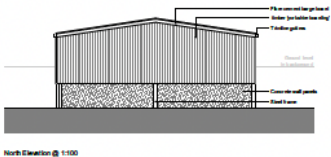
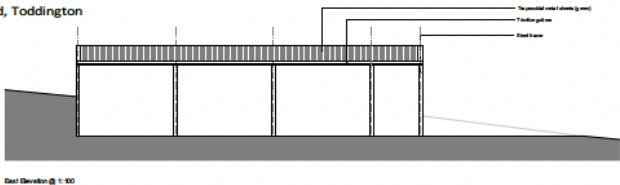


**Permitted 2020 scheme for part retention of agricultural barn (TBC Ref: 20/00035/FUL)**



## Currently proposed scheme for part retention of the barn and new fourth half bay

Radway Road, Toddington



## 4.0 Planning Policy Context

- 4.1. Planning law sets out that applications should be determined in accordance with the Development Plan, unless other material considerations indicate otherwise. The Development Plan in this case comprises of the Adopted Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS). The saved policies of the Tewkesbury Borough Local Plan to 2011 also still forms part of the Development Plan at this time.
- 4.2. Other relevant material considerations including the Government's National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The emerging Tewkesbury Borough Plan (TBP) will also form part of the Development Plan in the future, this carries some weight due to the near adoption of the plan.
- 4.3. As a result, the following policy are relevant to the determination of this application:
- The Joint Core Strategy (Adopted December 2017)
  - The Tewkesbury Borough Plan 2011-2031
  - The National Planning Policy Framework
  - Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023

### The Joint Core Strategy (JCS) – Adopted December 2017

- 4.4. The JCS for Cheltenham, Gloucester and Tewkesbury was adopted in December 2017 and covers the plan period for 2011-2031, providing an overarching spatial strategy for the three districts. The following policies of the JCS are relevant to this application:
- 4.5. **Policy SD4** relates to 'design requirements' and requires development to be of good quality design and take in to account all aspects of urban design.
- 4.6. **Policy SD6** is a generic landscape policy that requires new development to protect landscape character.
- 4.7. **Policy SD7** requires development proposals to conserve, and where appropriate, enhance the landscape quality of the AONB.
- 4.8. **Policy SD14** relates to health and environmental quality and the links between the two. The policy is concerned with development avoiding harm in relation to matters of amenity, pollution, land stability, tranquillity and artificial light in dark landscapes.

### The Tewkesbury Borough Plan 2011-2031

- 4.9. The Tewkesbury Borough Plan (TBP) sits along the JCS as the second tier of a two-part Development Plan, replacing the existing saved policies of the 2011 Local Plan. The plan was adopted during the Summer of 2022.
- 4.10. **Policy AG1** relates to Agricultural Development. It states that proposed agricultural barns will be permitted provided that:
1. The proposed development is reasonably necessary and designed for the purposes of agriculture
  2. The proposed development is well sited in relation to existing buildings, access tracks, ancillary structures and works, and landscape features in order to minimise adverse impact on the visual amenity of the rural landscape paying particular regard to AONB, SLA and LPZ.
  3. The proposed development is sympathetically designed in terms of height, mass, materials, colour and landscaping where appropriate.
  4. There is no unacceptable adverse impact on amenity of residential properties or any other protected buildings, including affects from noise, light or odour pollution, including human health.
  5. Arrangements for the storage and disposal of waste are satisfactory and do not have unacceptable impact on air quality
  6. The highway network is adequate to safely cater for the type and volume of traffic generated by the proposal.

### The National Planning Policy Framework (NPPF)

- 4.11. The NPPF 2021 sets out the Governments overarching planning policies and how it intends them to be applied at the local level. The NPPF provides guidance for local planning authorities in determining applications. As national guidance it is capable of outweighing the provisions of the development plan.
- 4.12. **Paragraph 11** continues to provide a presumption in favour of sustainable development as per previous versions of the NPPF. This means approving development proposals that accord with the development plan without delay; and where the development plan is out-of-date, granting planning permission, unless the adverse impacts of development significantly and demonstrably outweigh the benefits.

- 4.13. The NPPF looks to promote a strong rural economy through the sustainable growth and expansion of rural businesses. In particular, **Paragraph 84** seeks to promote the development and diversification of agricultural land. Overall, it is clear that there is a strong Government support for the agricultural industry.
- 4.14. **Paragraph 130** sets out a list of generic design principles that should be observed in all new developments. The first principle at (a) is an expectation that a development will function well and add to the quality of an area. The second principle at (b) concerns achieving a visually attractive development through good architecture and effective landscaping. The third principle is sympathy with local character and landscape setting.
- 4.15. **Paragraph 174** requires valued landscapes to be protected and for the intrinsic character and beauty of the countryside to be recognised.
- 4.16. **Paragraph 176** sets out that AONB's have the highest status of landscape protection and therefore great weight should be given to conserving their landscape and scenic beauty. However, it is important to stress that the AONB designation is not a barrier to development. The NPPF supports 'minor' development within AONB's, which respect their character and setting.

#### **Cotswolds Area of Outstanding Natural Beauty Management Plan 2018 – 2023**

- 4.17. The Cotswold AONB Management Plan is not part of the Development Plan although the council referred to it in its previous reason for refusal, specifically policies CE1 Landscape and CE5 Dark Skies. The Management Plan is to be read alongside the development plan as a material consideration.

## 5.0 Analysis of Planning Considerations

### Principle of Development

- 5.1. Prior to assessing the merits of the current proposal, it is important to establish the importance of the extant planning permission for an agricultural building on site and the implications of this on the planning merits for the decision maker.
- 5.2. The Council granted planning permission for an agricultural building on this site in 2018 and in 2020 (TBC Reference: 18/00449/FUL & 20/00035/FUL), both permissions may still be lawfully implemented. The Council imposed a planning condition on the 2018 permission requiring the barn to be implemented within 5 years. i.e. by the 5<sup>th</sup> May 2023. In the event this appeal is dismissed, and the barn subsequently removed, the appellant would have the ability to implement the 2018 permission and so would intend to. The 2020 permission also had no condition requiring the development to be lawfully implemented or completed within a set timeframe, thus it would conclude there is no time limit on implementing the approved plans for the agricultural barn.
- 5.3. The principle of an agricultural barn on the site has therefore been and these existing permissions provide a very significant material consideration, which ought to carry significant weight in the determination of the current appeal proposal.
- 5.4. The proposed agricultural barn is also reasonably necessary and designed for the purposes of agriculture, thus is in accordance with emerging TBP Policy AGR1.

### Addressing the Council's previous concerns

- 5.5. The Council's most recent concerns which are subject to the ongoing enforcement appeal (APP/G1630/C/22/3297174) include that in August 2018 permission was granted for the erection of a 4 bay steel framed barn, however the barn was not built in accordance with the approved plans under application 18/00449/FUL. Further applications were submitted, refused and appealed before in 2020 permission was granted for the part retrospective application for an agricultural barn in May 2020. However, in April 2020 an enforcement notice was issued, requiring alterations to the land and barn to bring these into accordance with the permission under reference 20/00035/FUL and to remove any unauthorised structures and works.
- 5.6. The enforcement notice as mentioned above is currently under an enforcement appeal and a decision is unlikely to be issued prior to the determination of this application.

5.7. From reviewing the previous applications and the most recent enforcement notice, it is clear that the main outstanding matters include:

- External lighting
- Palisade fencing
- Existing roller shutter doors
- Green metal sheet cladding on external elevations of barn
- The fourth bay of the existing barn
- Hardstanding, concrete base and retaining wall
- Aggregate which has been deposited

5.8. The Council has sought the removal from the site of the above items and appear to be the Council's outstanding issues currently to bring the development in alignment with the 2020 permission. In light of this, the new proposed development includes:

- A 4<sup>th</sup> half bay is proposed further to the three-bay barn permitted in 2020
- Retain the external lighting
- Remove the roller shutter doors
- Remove the metal cladding and replace with Yorkshire Cladding
- Reduce the hardstanding area
- Remove areas of deposited aggregate to be removed and areas laid to grass
- Proposed new timber fencing to the front and side boundary at 1.8m to replace existing metal palisade fencing and new 1.2 stock fencing to the side and rear boundaries.

5.9. The proposed new development addresses the majority of the concerns raised by the Council, with a minor change including the retention of external lighting and a proposed fourth half bay than that most recently approved. The impact of the proposed development on the landscape and the difference between the approved scheme in 2020 and the current proposed scheme are explained in more detail below.



### Impact on Character of Area and AONB

- 5.10. Policy SD4 of the JCS relates to the design requirements and requires development to be of a good quality design and take into account all aspects of urban design. Furthermore, Policy SD7 requires development proposals to conserve, and where appropriate, enhance the landscape quality of the AONB.
- 5.11. The landscape in the area around the application site is relatively flat, with expansive fields punctuated with farmsteads and farm buildings and occasionally other developments and little tree cover. In this context an agricultural building in the corner of a field is an in-keeping feature in the landscape, a conclusion reached when permitting a new barn on the site under ref: 18/00449/FUL.
- 5.12. The proposed amendments outlined previously, reduces the barns impact on the AONB with the use of Yorkshire Boarding and the loss of the roller shutter doors softening the barn through the use of the natural materials. The removal and replacement of the metal railings from the application further minimise the barns impact on the wider landscape. The result is that the barn will appear almost identical to that permitted in 2020, albeit a half bay wider in scale.
- 5.13. The additional fourth half bay is a reasonable addition to the three-bay barn permitted under 20/00035/FUL. The additional half bay would not increase the impact to any views from within the surrounding area or AONB; furthermore, it would still result in the reduction of mass and scale than that currently built. It is acknowledged that the previous appeal under the 19/00192/FUL application, the Inspector stated that *“the building is visible from the highway when approaching the site. The building, given its scale, it has the appearance of a large structure, which is an assertive visual element at this location. Whilst the use of metal cladding can be common on agricultural buildings, when considered in combination of the structure, the development has somewhat industrial character. Consequently, the building appears incongruous and discordant within the landscape, that detracts from its attractive rural nature”*.
- 5.14. The proposal , although increasing the approved plans by half a bay when compared to the 2020 approved plans, would result in a decreased built form than that presently on site. The decreased built form would also reduce the viewpoints of the barn due to this loss of massing near the access point. Consequently, when approaching site, the scale of the barn has been reduced and given the proposed finish of Yorkshire boarding, it would appear as a common agricultural building within the landscape, complementary to the surrounding area. The barn would not appear industrial in character would have a reduced mass, creating a reduced visual presence.

- 5.15. In addition to the above, the additional 4th half bay is required to allow for more floorspace as the holdings grow. It is therefore reasonable to propose the additional floorspace to accommodate growth of the farming activities within the holding. The additional half bay has been justified and demonstrated that it would not cause a significant enough reason or visual impact to the landscape to warrant a refusal.
- 5.16. Given the fact that a four bay barn was originally approved in 2018, albeit on a different area of the site, this permission is still extant and can be carried out if the current built form were to be demolished. As a result, the additional half bay is concluded to result in an acceptable impact to the area and would sustain the significance and views within the AONB.
- 5.17. The area of deposited aggregate proposed has been reduced than that built and will be laid to grass with the hardstanding area reduced in size, as indicated on Drawing No. PL502 E. With this alongside the new timber fencing, it would visually improve the appearance of the development site within the wider AONB landscape. The reduction in the hardstanding would also address concern raised by the Inspector under the 19/00192/FUL appeal. As a result, it would in turn enhance the appearance of the landscape within the AONB.
- 5.18. In addition to the above, the officer report for the most recent permission issued in May 2020 noted that the removal of some of the concrete apron to the East of the barn is welcomed. The scale of the hardstanding area is proposed to be reduced in accordance with the most recent approved plans under application reference 20/00035/FUL. As a result, it is concluded that this is no longer an issue and would ensure the impact on the AONB and character of the area is improved.
- 5.19. Furthermore, the removal of the metal fencing and replacement with timber would be an improvement and use of a more sensitive material would be in keeping with the Yorkshire boarding. The new 1.8m timber fencing to the front boundary and 1.2m stock fencing to the other boundaries are seen to be an improvement on the metal fencing; however, this is still required for the security of the site. The application site is within an isolated location and there has already been issues with unauthorised access, therefore fencing is required to ensure the security of the site is maintained.
- 5.20. As mentioned previously, it is proposed for the barn to be cladded in Yorkshire Boarding with the removal of the green metal sheeting, along with the removal of the shutter doors. This will enhance the appearance of the barn and improve the visual viewpoints of the barn from within the surrounding area.

- 5.21. Finally, it is also proposed to retain the external lighting currently present on the barn. It is acknowledged that the Council have expressed concern over this aspect of the development previously, with it contained for removal within the recent enforcement notice. However, it is proposed to retain this element; the Inspector did not raise any concern over the external lighting within the 19/00192/FUL appeal. It was stated that *'as I found that the matter of lighting could be addressed by planning condition if the scheme were otherwise acceptable, the scheme would not conflict with Policy SD14 of the JCS or Policy CE5 of the AONB Management Plan, insofar as they seek to ensure development does not result in unacceptable levels of light pollution and that proposals should minimise light pollution'*. As a result, it is concluded that the proposed external lighting shall be retained; it is not in conflict with the aforementioned policies, thus should the Council wish to they can seek to control the lighting through a condition.
- 5.22. It is considered the material differences between the proposed development and the approved scheme under ref: 20/00035/FUL no longer result in an unacceptable level of impact on visual amenity and the AONB landscape, regardless of the minor size difference which is not deemed to be materially greater than the previous barn.
- 5.23. In light of the above, the proposed changes to the general design of the barn and the removal of the metal railings result in an acceptable impact on the surrounding AONB, especially given the existing and proposed boundary treatments and the low-lying position of the site. The proposal therefore accords with JCS policies SD4, SD6 and SD7, Local Plan Policy AGR5 and the relevant considerations of the NPPF.

#### Other Matters

- 5.24. The revised application amendments only relate to the design and landscape impacts of the agricultural barn and the replacement of its associated perimeter fencing as well as the removal of hardstanding. As set out, the Council's concerns have been addressed from the previous enforcement notice currently ongoing an appeal. It is however proposed to add an additional half bay and retain the external lighting.
- 5.25. As a result, it is deemed to be acceptable in regard to all other matters, these include Highways, Drainage and Residential Amenity. These matters remain unchanged from the previous scheme and are therefore still clearly acceptable.

## 6.0 Summary and Conclusions

- 6.1. This Planning Statement provides the clear case for why the development complies with the relevant policies of the Development Plan and should be supported.
- 6.2. It is firstly important to establish that the Council has granted planning permission for an open fronted agricultural barn on the site and this permission remains extant until 2023. That barn can be lawfully built out at any time and this represents the base line condition for the assessment of the application. Furthermore, the 2020 permission is also extant with no timeframe placed on the permission.
- 6.3. As such, even if the current enforcement appeal proposal were to be dismissed, and the existing barn subsequently removed, the applicant would still have the ability to implement the 2018 or 2020 permission and would intend to. This is a very strong fall-back position and one that ought to carry significant weight in the Council's consideration of the current proposal.
- 6.4. The Council's previous concerns were regarding the following:
  - Remove the roller shutter doors
  - Remove the metal cladding and replace with Yorkshire Cladding
  - Reduce the hardstanding area
  - Remove areas of deposited aggregate to be removed and areas laid to grass
  - Replacing the metal fencing
- 6.5. The current proposal formally overcomes all these concerns, except for the enlarged size of the barn. This is limited to an increase in the width of the barn by a half bay from that of the most recent permission. Clearly, this would have no material visual impact over and above what has already been approved. The plans show that the roller shutter doors are to be removed, however, the external lighting will be retained. It also proposes to change the metal wall cladding and return it back to the originally intended Yorkshire boarding. The metal railings are also to be replaced by 1.8m timber fencing. The Council could use planning conditions to ensure the development is modified in accordance with the approved plans.
- 6.6. The fact that the barn is only half a bay larger than the originally approved barn and subsequent 2020 permission remains the only outstanding issue. We would respectfully suggest that this change is relatively minor and does not justify a refusal

of planning permission in its own right. In the barn had originally been built in accordance with the approved plans, and then the applicant had later applied to extend the barn in this way, it is highly likely the Council would have permitted it given its obvious compliance with planning policy. On the overall balance of considerations, it is not considered the increased size warrants a refusal.

- 6.7. This Statement demonstrates that the proposed amendments would largely satisfy the Council's previous concerns as set out in their enforcement notice currently ongoing. The result is a barn of a design, scale and siting that is typical of what one would expect to see in a countryside location such as this and would not cause undue visual harm to the AONB landscape. This is particularly the case when assessed in the context of the extant planning permission for the same description on the site and the need to support agriculture and rural based industries in the countryside.
- 6.8. The proposed changes are considered to overcome the Council's issues linked to application 20/00035/FUL, with the revised barn being of a design and appearance that is not at odds with the type of agricultural buildings seen all over the country, including within AONBs. Importantly, it has addressed all concerns raised by the Council's in its appeal statement, save for the increase in size.
- 6.9. Also, the proposal would continue to be acceptable in terms of Highways, Drainage and Residential Amenity, in line with the Council's previous assessment.
- 6.10. In this context, the proposal complies with development plan policies and taking into account the significant material consideration provided by the fallback of an extant permission for an agricultural building on the site, permission should be granted.
- 6.11. As set out elsewhere in this Statement, it would not be appropriate in this case to attempt to use Section 70 C powers under the Town and Country Planning Act to decline to determine applications for planning permission. This provision is not applicable here as the Enforcement Notice has not come in to force. This is because an appeal has been lodged against the Notice, which has prevented that event from occurring. As such, there is no extant Enforcement Notice in force at this time.
- 6.12. Notwithstanding the above, this proposal is materially different to that which the Enforcement Notice relates. The proposal seeks to overcome the Council's previous concerns and is a positive step forward in amicably overcome the dispute. It would therefore not be appropriate for the LPA to attempt to use Section 70C powers for that additional reason.

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