
Appeal Decision

Site visit made on 6 September 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 26 September 2016

Appeal Ref: APP/B1740/W/16/3150202

Agricultural holding on The Bashley Road (B3055) Hinton St Michael, Hampshire BH23 7EA

- 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 Mr D Harrod-Evans against the decision of New Forest District Council.
 - The application Ref 15/11774, dated 9 December 2015, was refused by notice dated 17 February 2016.
 - The development proposed is the erection of a timber framed animal shelter.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is situated within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate. However, exceptions to this are listed, including buildings for agriculture and forestry. Both parties agree that the proposed animal shelter would be used for agricultural purposes and would therefore not constitute inappropriate development. I concur with this assessment.
3. The main issues in this case are therefore:
 - the effect of the proposed development on the living conditions of surrounding occupiers, having particular regard to noise and smell.
 - the effect of the proposed development on the character and appearance of the area.
 - whether the proposed development would make adequate provision for drainage and the discharge of effluent.

Reasons

Living conditions

4. The storage of hay and other items is unlikely to require frequent access or generate a great deal of disturbance. However, the keeping of livestock has greater potential to generate noise and smell. I am mindful that the shelter would be in close proximity to the rear garden of Little Hinton which contains a
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shed, greenhouse and children's play equipment and is clearly a well-used amenity area. The shelter would also be within approximately 20 metres of the rear windows of the neighbouring dwelling.

5. In terms of smell, I understand that alpacas in the field normally use a dung heap which is located away from Little Hinton and I am not aware that it gives rise to any problems at present. There is little to indicate that this arrangement would change as a result of the proposed shelter.
6. Although dung may accumulate within the shelter, it would be contained inside and therefore most of the odours are likely to be confined to within the shelter itself. Furthermore, as the shelter would have a relatively small capacity, it is unlikely to generate significant quantities of waste. As such, I do not consider that the shelter would give rise to an unacceptable level of smell. The evidence indicates that the garden of Little Hinton is prone to flooding during heavy rain and concerns have been raised about animal waste mixing with floodwater. This matter is dealt with elsewhere in my decision.
7. With regards to noise, I understand that alpacas are generally quiet animals. However, according to the appeal documents, they can make high pitched whining sounds when they are distressed. I note that the purpose of the shelter would be to house animals that are either sick, pregnant or otherwise need to be isolated from other alpacas. In these circumstances, it seems likely that would be a greater potential for them to make loud distress calls as they are more likely to be in an agitated state.
8. Although the shelter would only house alpacas temporarily, there would nonetheless be occasions when it contained animals. Its frequency and intensity of use could also alter over time. Given the close proximity of the shelter to the garden and rear windows of Little Hinton, any loud noises coming from the shelter are likely to be heard by neighbouring occupiers. Whilst the shelter would not be able to accommodate many alpacas due to its size, even one or two animals making loud noises this close to the boundary would have the potential to disturb the occupiers of the neighbouring dwelling especially during unsociable hours.
9. It is recognised that the field already contains alpacas capable of making loud noises within earshot of Little Hinton. However, the shelter would result in a potentially distressed animals being confined close to the boundary. Hence, its introduction would result in greater potential for noise and disturbance than exists at present. Even if the grazing area were to be extended to the boundary, it would be unlikely to result in a concentration of potentially distressed animals.
10. I am mindful that the animal shelter proposed is required to support a rural enterprise and I have given this weight in my decision. However, there is little before me to demonstrate that there are any operational reasons to prevent the shelter from being located in another part of the agricultural holding without leading to any material harm.
11. I therefore conclude on this issue that the proposed development would harm the living conditions of the occupiers of Little Hinton with regard to noise. There would be conflict with Policy CS2 of the New Forest District Council Local Development Framework Core Strategy 2009 (the Core Strategy) which,

amongst other things, indicates that development should not cause unacceptable effects by reason of noise.

Character and appearance

12. The appeal site is part of a larger field which contains some small outbuildings (including an existing building on the appeal site) but is otherwise open. Mature trees and vegetation along the site boundaries maintain a distinctly rural and agricultural appearance, despite the presence of nearby housing. This is reflected in the wider surroundings, which are characterised by small groups of housing set amongst a predominantly rural landscape.
13. The proposed animal shelter would be a relatively small structure within the context of the field and nearby dwellings. When viewed from within the field, it would be seen against the backdrop of a mature hedgerow with existing development (Little Hinton and Paddock Close) beyond. This context would assist with the shelter's assimilation into the local landscape. Its timber construction would also be in keeping with the appearance of a small outbuilding associated with an agricultural use.
14. When seen from the back garden of Little Hinton, the roof and parts of the rear elevation would be visible above the existing boundary fence. Nonetheless, the shelter would not be particularly tall and would only be partially visible from behind the fence despite its close proximity. I note that the hedgerow is less dense at this point and the shelter would become more visually exposed when the trees are not in leaf. Even so, the shelter would remain only partially visible from within the garden and would not appear particularly prominent. The rear garden and wider outlook would also retain their largely verdant, open character.
15. The shelter would also be seen from the rear facing windows of Little Hinton. Views from ground floor windows would be similar to those experienced within the rear garden. From the first floor windows, the shelter would be seen from a more elevated position above the boundary fence. Whilst more of the shelter would be visible, it would remain a reasonably inconspicuous feature when viewed from this perspective due to its modest size and partial screening by vegetation, which is proposed to be supplemented by additional planting. The main outlook from the first floor windows would be towards the open space and mature trees to the immediate north. Overall, the character and appearance of the countryside would be maintained.
16. Although it is suggested that the shelter would need lighting, this would not be extensive due to the small size of the building. There would also be no windows or openings facing Little Hinton from which interior light could be directly seen. Whilst reference has been made to the outdoor lighting posts erected near the appeal site, this does not form part of the application and is therefore not a matter for consideration in this appeal.
17. I therefore conclude on this matter that the proposed development would have an acceptable effect on the character and appearance of the area. It would comply with Policy CS2 of the Core Strategy which, amongst other things, seeks sympathetic forms of design. It would also comply with Policy DM22 of the New Forest District Council Local Plan Part 2: Sites and Development Management document 2014 (the Local Plan) in terms of its visual effects. Furthermore, there would be no conflict with paragraph 17 of the Framework,

including the core principle quoted by the Council to enhance and improve the places in which people live their lives.

Drainage

18. Although the volume of rainwater run-off from the shelter roof would be relatively small given the limited size of the structure, I am aware that the rear garden of Little Hinton is already prone to flooding during periods of heavy rain. Unless an effective drainage system is installed, this raises the prospect of animal waste mixing with flood water and seeping on to adjacent land.
19. There is dispute between the parties regarding the adequacy of the drainage measures proposed and the level of detail provided. It is also suggested by the neighbouring occupier that the appellant would rely on a drainage channel situated within the curtilage of Little Hinton. Whilst I find the evidence on these matters inconclusive, there is little before me to indicate that a satisfactory engineering solution could not be found. Hence, in the event of the appeal being allowed, a condition could be imposed similar to that recommended by the Council's Land Drainage Team. This requires further details to be approved prior to the development commencing.
20. I therefore conclude on this matter that appropriate controls could be put in place to ensure that the development would not proceed without adequate provision for drainage and the discharge of effluent. It would comply with Policy CS2 of the Core Strategy insofar as the drainage measures would protect the amenity of neighbouring occupiers.

Conclusion

21. I have found that the proposal would have an acceptable effect on the character and appearance of the area and would make adequate provision for drainage. However, it would harm the living conditions of neighbouring occupiers in terms of noise.
22. For the above reasons I therefore conclude that the appeal should be dismissed.

Colin Cresswell

INSPECTOR