
Appeal Decision

Site visit made on 20 February 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/Z3825/W/16/3156222

Ecology Field off Kithurst Lane, Storrington, West Sussex.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Philip Orpwood against Horsham District Council.
 - The application Ref DC/16/0915 is dated 3rd May 2016.
 - The development proposed is the erection of a wooden shed on non-permanent base.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a wooden shed on non-permanent base at Ecology Field off Kithurst Lane, Storrington, West Sussex in accordance with the terms of the application, Ref DC/16/0915 is dated 3rd May 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following information: 'Installation Manual – Rhine 40/30 (28mm) Premium Log Cabin' and the site location plan.
 - 3) The building hereby approved shall be used for purposes ancillary to the ecology works in the ecology field including storage associated with tree planting, maintenance and pond maintenance, and to include storage of tools, materials and equipment.

Procedural matters

2. The appeal follows from the Council issuing a 'non-validation notice' under the article 12 of the Town and Country Planning (Development Management procedure)(England) Order 2015 (DMP). Article 34(5) of the DMP sets out that a non-validation application is taken to have been received when the application, except the particulars or evidence related to the dispute, has been lodged with the authority and the fee required to be paid has been paid. The Authority confirmed to the appellant by way of e-mail dated 7 July 2016 that they had received the missing sections of the application form, an acceptable location plan and block plan on 3 May 2016 and that this would be the date from which the Council would consider the process to have begun. I have taken this date as the relevant date under the dispute procedure and referred to it as the date of the application in the banner heading above.
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Main Issues

3. The main issues in this appeal are: firstly, whether the application has been validly made; and secondly, if so, the effect of the proposed development on the character and appearance of the area.

Reasons

Validity

4. The Council's 'non-validation notice' identifies one requirement as being the information required in order to validate the application, that being floor plans and elevations drawn accurately to a metric scale of 1:50 or 1:100.
5. The application included a brochure of the proposed shed entitled 'Installation Manual - Rhine 40/30 (28mm) Premium Log Cabin'. The Council in its letter dated 27 June 2016 acknowledge that the additional plans provided were useful, for illustration, but continued to require plans showing the floor plan and elevations drawn to a scale of 1:50 or 1:100. The Council refer to the requirement for scaled plans as a national requirement and do not refer to any local requirements in this regard.
6. The DMP at article 7 (1)(c)(ii) requires an application to be accompanied by any other plans, drawings and information necessary to describe the development the subject of the application. Article 7(2) requires that any plans or drawings required to be provided by 7(1)(c)(ii) must be drawn to an identified scale. The Planning Practice Guidance advises at ID: 14-023-20140306, that, any plans or drawings must be provided to an identified scale.
7. The primary legislation, The Town and Country Planning Act 1990 (TCPA), as amended, at section 62(3), allows local planning authorities to require that an application for planning permission must include such particulars as they think necessary, 62(3)(a), but this is circumscribed by 62(4A) which requires that a requirement under subsection (3) must be reasonable having regard, in particular, to the nature and scale of the proposed development, 62(4A)(a).
8. The plans and details provided in the application, including the location and block plan would enable the decision maker to identify the location of the site and where the proposed development was to be sited. The installation manual provides for detailed drawings which are fully dimensioned. It is therefore readily apparent that the building would have a width of 4.0m and a depth of 3m and that there would be a projecting element of the roof of 0.5m over the front elevation. The height of the structure would be approximately 2.5m. The location of fenestration and other details are also fully dimensioned on the plans included in the documentation.
9. If plans are the main method of describing the proposals the subject of the application I would accept that the starting point for the receipt of such plans and drawings would be such that scaled plans and drawings would be the most reasonable expectation. However, this has to be considered in the context of the legislative requirement that the requirement must be reasonable having regard, in particular, to the nature and scale of the proposed development. The proposed wooden shed is a minor development of modest scale and the nature of the proposal is not complex. The information contained in the brochure would enable a reasonable person to understand the dimensions, size and scale of the building and the other information submitted with the

application would enable an understanding of the use of the building and the level of activity to be generated and the siting of the building. The information is such that it describes the development, although not relying on scaled plans as such. In the particular circumstances of this case I am satisfied that the information provided amounts to sufficient information to describe the development which is the subject of the application and would therefore comply with the general requirements for applications outlined at article 7(1)(c) of the DMP and sec 62 of the TCPA. The TCPA or DMP do not require that plans and drawings must be submitted as the only way to describe proposals rather they are only one potential method of describing the proposals the subject of the application. On this basis I conclude that the application has been validly made and I therefore turn to deal with the substantive issues in the consideration of the impact of the development.

Character and appearance

10. The Council have not provided an Officer report, nor has it identified any development plan policies relevant to the consideration of the proposals nor has it provided any putative reasons for refusal.
11. My statutory duty requires that I determine applications in accordance with the development plan unless material considerations indicate otherwise. As the Council have not put before me any development plan policies there is no development plan before me to consider. On that basis I turn to the National Planning Policy Framework (the Framework) as a material consideration to guide the policy framework within which to consider the proposals.
12. As the Council have not identified any objections to the scheme; following my site visit and consideration of the nature of the application and location I consider that the main issue turns on the effect of the development on the character and appearance of the surrounding area. The site is located in the open countryside outside any built up area. The land is undulating and comprises open fields separated with hedgerows and wooded copses. The appeal site lies within a dip in the landscape and adjacent to a recently dug pond. The field within which it is located has recently been heavily planted with new trees which are immature and supported by stakes.
13. The proposed shed would be small scale, of limited dimensions and height and sit low on a slope in the surrounding countryside. There is a mature boundary hedge close by beyond which is a dilapidated stable block of considerably larger dimensions than those of the proposed shed. The proposed shed would not be readily visible from public locations and may only just be visible to occupants of the closest residential property, some significant distance away. The recently planted trees maturing over time would provide effective screening for the building and any initial impact would be minor and short lived. The scale and nature of the building would be such that it would have no discernible impact on the character or appearance of the wider area or the intrinsic beauty of the countryside, and the development proposals would therefore be consistent with bullet point 4 of paragraph 17 of the Framework.
14. For the reasons given above I conclude that the proposed development would not materially harm the character and appearance of the area and would not conflict with the Framework.

Other matters

15. The proposed shed would be used to store tools and equipment in association with the ecological works that are going on in the field. This would include the management and maintenance of the recently planted trees and the recently excavated pond. In this regard the proposal supports a local strategy to improve health, social and cultural well-being for all and would assist in delivering a community and cultural facility to meet local needs. It would therefore positively contribute to the core planning principles set out at paragraph 17 in the Framework, in particular bullet point 12. A condition can be attached to secure the use of the building for the purposes for which it is proposed.

Overall conclusions and conditions

16. The application was validly made; the proposal would not result in material harm to the character of the area and it would positively contribute to the core planning principles set out in the Framework, the appeal should therefore succeed.
17. A condition requiring the development to be carried out in accordance with the details in the installation manual is required to ensure clarity. Furthermore a condition restricting the use of the building is required for the reasons set out above.
18. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR