
Appeal Decision

Site visit made on 18 April 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 28 April 2017

Appeal Ref: APP/C1760/W/16/3165323

Storage Barn to rear of Wingates, Sherfield English Lane, Plaitford, Romsey, Hampshire SO51 6EJ

- 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 Mrs Shelagh Maunder against the decision of Test Valley Borough Council.
 - The application Ref 15/02176/FULLS, dated 4 September 2015, was refused by notice dated 21 November 2016.
 - The development proposed is retention of 2 dormers and loading platform. Use of building to be used for storage in connection with field maintenance and also uses ancillary to existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters and background

2. The Council in its decision notice referred to the Sherfield English Village Design Statement (the VDS) and I have been provided with a copy of that document. The VDS makes clear it provides guidance for the Sherfield English parish and the appeal site lies outside the parish boundary shown in that document. The VDS would therefore appear not to be material to the determination of this appeal and I will not refer to it further.
 3. Planning permission was granted in March 2012 for "erection of barn for storage of agricultural vehicles at ground floor and storage of materials at first floor". I have not been provided with a copy of that decision notice but I am advised that there were three conditions; the standard time limit condition, a condition relating to tree protection, and one restricting the use to "agricultural purposes only". This building had no openings in the roofplanes.
 4. The current appeal scheme relates to the same structure but has two dormers in the western elevation, two windows in the south elevation and two sets of glazed double doors in the northern end, one on each floor with the upper set being to a 'loading platform' to gain access to the first floor. The drawing showing the proposal (drawing 05:050:051RevA) has a metal balustrade around all three sides of the platform and this is shown in a photograph in the Design and Access Statement, but at the site visit only the two sides were in place, although there was a chain across the gap.
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5. Internally the building is laid out as on this drawing except that the wc is rotated by 90 degrees in its own cubicle and a sink and two cupboards are to the side. As a planning permission is for a building internally and externally, the proposal is for the physical building as shown on the drawing.
6. The Council in its statement has made various assertions about how the building has been used, but this appeal is limited to considering the physical changes and the use applied for, that is for storage in connection with field maintenance and also for uses ancillary to the existing dwelling, Wingates.

Main Issue

7. Given this background, and that an agricultural use of the building has found to be acceptable, the main issue is the effect on the character and appearance of the area of the physical alterations to and additional use of the building when compared with that previously permitted.

Reasons

8. The appeal site is located in the countryside some distance from a settlement although there are a number of dwellings facing and set back from Sherfield English Lane, but these are sporadic in nature. It is an attractive rural area. The appeal building is set some distance back from Sherfield English Lane on the eastern side of a gently sloping open area, which at the time of my site visit, was laid to grass, although there was a gravelled area to the west of the appeal building. This open area appeared physically separate from the area around Wingates, which is located some way to the northeast, as there is a hedge a short distance behind the appeal building and the more manicured area to the rear of the dwelling is separated by fences. The appeal buildings appeared to be located in part of the wider countryside area rather than the separate area around the dwelling.
9. Although the building can only be glimpsed from Sherfield English Lane, the fact that a building or other development cannot be seen from public land is not, of itself, a good reason to grant planning permission as this could be repeated too often harming the character and appearance of an area. The external physical alterations to the building, when compared to the approved drawing, have the effect of increasing the prominence of the building in the landscape giving it a significantly greater domestic appearance than an agricultural building. This is significantly harmful to the inherent rural nature of the countryside area and the landscape in that it results in a more urban character and appearance than the approved situation.
10. The appellant has made clear that, in addition to the agricultural use, she only wishes to use the building for ancillary storage to the dwelling rather than as otherwise ancillary accommodation which could include other residential activities. To do this the use would have to be restricted by planning condition.
11. The National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (the PPG) both give guidance on the use of planning conditions. These include that, amongst other criteria, a condition should be necessary and enforceable. Given the site is located in the countryside where additional residential activity is not permissible, in line with Policy COM2 of the Test Valley Borough Revised Local Plan DPD (the Local Plan), in order to

protect the intrinsic character and beauty of the countryside such a condition would be necessary.

12. However, the PPG indicates that for a condition to be acceptable it should be practically possible to enforce the condition. Given that it would be straightforward to use the building for additional ancillary activities beyond ancillary storage, I am of the view that it would, in practice, be impossible to detect a contravention (see linked table to paragraph reference ID 21a-004-20140306 of the PPG). I therefore consider that the use of a condition to restrict the use as applied for would not be enforceable and thus be not appropriate.
13. The appellant indicates that the physical alterations were made to provide light into the upper storey, and thus make it more usable. However, an agricultural storage use does not require large amounts of light, and I noted at the site visit that the building has power and artificial lighting which would be sufficient. While it is stated that the loading platform was added at the request of Building Control, I have not been provided with information that the lack of such a platform would be unacceptable. It is indicated that the building would be used for temporary storage of a motor vehicle, but I noted that there were other outbuildings and hardstanding nearer to the dwelling and it has not been demonstrated that these could not be used for this purpose. That permission is granted, subject to prior approval, as permitted development for the change of use of agricultural buildings is also of little weight as this only applies to buildings being used or last used solely for agriculture on a certain date, or for a subsequent period afterwards; the appellant accepts that the building is not being used solely for agriculture. Neither individually nor together are these reasons of sufficient weight to outweigh the harm I have identified.
14. As such the proposal is significantly harmful to the character and appearance of the area. It is therefore contrary to Policies COM2 and E2 of the Local Plan which indicate that development outside the boundaries of settlements will only be permitted if it is appropriate or essential to be located in the countryside, and that, to ensure the protection, conservation and enhancement of the landscape of the Borough, development will be permitted provided that it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located. It would also be contrary to paragraph 17 of the Framework which indicates that account should be taken of the intrinsic character and beauty of the countryside.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR