
Appeal Decision

Site visit made on 23 May 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 14th June 2017

Appeal Ref: APP/L1765/W/16/3168084

**The Sanctuary, Manor Farm Green, Twyford, Winchester, Hampshire
SO21 1RA**

- 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 Steve Strange against the decision of Winchester City Council.
 - The application Ref SDNP/16/04648/FUL, is dated 7 September 2016.
 - The development proposed is described as:
 - The front enclosure of the building.
 - The provision of two Velux windows in the rear roof slope of the building.
 - The provision of a flue to the building.
 - The construction of a sunken barbecue.
 - The construction of a levelled hard access area in front of the building.
 - The provision of a log store with ancillary locked secure cupboard with customer unit.
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Decision

1. The appeal is allowed and planning permission is granted for the front enclosure of the building, the provision of two Velux windows in the rear roof slope of the building, the provision of a flue to the building, the construction of a sunken barbecue, the construction of a levelled hard access area in front of the building and the provision of a log store with ancillary locked secure cupboard with customer unit at The Sanctuary, Manor Farm Green, Twyford, Winchester, Hampshire SO21 1RA in accordance with the terms of the application, Ref SDNP/16/04648, dated 7 September 2016.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the statutory period. The Council has provided me with a 'delegated decision sign off sheet' which sets out that had they been in a position to determine the application they would have refused it on the grounds of the works being not necessary or appropriate facilities to support the use as a campsite and that the alterations to the building result in it having domestic appearance, that is tantamount to a new dwelling within the countryside. To this effect I have been referred to Policies MTRA4, CP13, CP19 and CP20 of the Winchester District Local Plan Part 1 Joint Core Strategy ('LPP1').
 3. On 5 April 2017 the Council adopted the Winchester District Council Local Plan Part 2 – Development Management and Site Allocations ('LPP2') and the policies of the Winchester District Local Plan Review 2006 have been replaced
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by LPP2. The Council has also confirmed that this does not apply to the South Downs National Park and I have determined the appeal on this basis.

4. It was evident from my site visit that the development applied for has been carried out and I have determined the appeal on that basis. The proposal before me also follows enforcement and associated planning appeals which were allowed in 2012¹. Whilst each case must be determined on its own merits I have had regard to these previous decisions in the determination of this appeal.

Main Issue

5. Given the above, the main issue is whether the proposal is acceptable having regard to its location within the countryside and the effect on the character and appearance of the area.

Reasons

6. It was evident from my site that a single yurt was in use with a further one under construction. I share the Council's view that there is a need for an external log store to keep wood dry and I observed at my visit that machinery used for the maintenance of the land was being stored in a lockable store attached to it.
7. The front elevation of the associated facilities building has been enclosed and my inspection of the building confirmed that although it had a kitchen/lounge area and utility room with separate w/c and shower, the roof space was restricted by the slope of the roof. In any reasonable assessment it does not offer sufficient space to be used as sleeping accommodation commensurate with occupation as a dwellinghouse.
8. The Council's enforcement records are not necessarily determinative because whilst the building may have some facilities that make it capable of being independently occupied, there is no substantive evidence before me that indicates it is being used as such. Furthermore, there is no reference to a change of use on the application form and I am mindful that the appellant is entitled to a decision based on the application made.
9. Whilst I note the Council's concerns about its use, if I were to allow the appeal it would remain open for the Council to consider whether, as a matter of fact and degree, any existing or future activity associated with the use of the building constitutes a material change of use that requires planning permission. Overall, I am not persuaded on the evidence before me that the building operations have resulted in a building which is tantamount to a new dwelling and is no longer used in association with the primary use of the site.
10. The external changes have been carried out using sympathetic materials and the roof lights and flue have little effect on the character and appearance of the host building or this rural area, given their design, siting and scale. It is also not unreasonable to have roof lights to provide light and ventilation to such a space, which was being used for storage at the time of my visit. Given the rural location of the appeal site and in order to provide security for its contents, I also find there is nothing persuasive before me to suggest these works are not reasonably required in association with the operational needs of the site.

¹ APP/Y9507/C/12/2170687 and APP/Y9507/A/12/2168351.

11. The sunken BBQ had a communal seating area around it on which groups of campers could sit if they so wish and it is reasonable that this is located close to the additional kitchen facilities within the building. Furthermore, that the area around the BBQ and the frontage of the building should have a level hardstanding to provide easier and safe access, which this element of the proposal provides.
12. To my mind, the additional facilities and alterations are commensurate with what is clearly a more luxury form of tourist accommodation and that a higher quality and level of ancillary facilities is reasonable. Overall, the proposals are not conspicuous and are proportionate to the scale and nature of the site and have been carried out to a high standard of workmanship. Accordingly, the proposal causes no harm to the rural character and appearance of the area or the landscape of the South Downs National Park.
13. For these reasons, the proposal is acceptable and accords with Policies MTRA4, CP13, CP19 and CP20 of LPP1 which, when taken as a whole permit development within the countryside for their development of existing buildings to facilitate the expansion on site of established business to meet an operational need, provided it is proportionate to the nature and scale of the site, its setting and countryside location, is well designed and protects the District's distinctive landscape.

Other Matters

14. In reaching this view I have taken into account all the other matters raised in the representations, including the effect on nearby heritage assets. However the Council did not object on those grounds and having visited the site I have no reason to conclude that nearby heritage assets would be harmed by such minor development. My decision must also be taken on the merits of the case as put before me and there is nothing substantive within those representations that lead me to alter my view in relation to the main issue.

Conclusion

15. If I were to allow the appeal, to accord with the terms of the previous planning permission and to ensure the building is not occupied as a dwelling, the Council has requested a condition that the facilities building shall only be occupied between the months of April and October. However, the building is clearly used in association with the yurts, as approved by the previous Inspector who considered its conversion for '*washing and WC facilities*'². On the evidence before me, it is still being used as such and is also required for the storage of associated equipment over the winter months when the site is abandoned³ for long periods, apart from occasional checking of the premises by the appellant.
16. Consequently and because it is open for the Council to further consider whether a material change of use has occurred, I am not persuaded that a condition restricting occupation between the same time periods as previously imposed is necessary or relevant to the development to be permitted. It would fail the tests set out within Paragraph 206 of the National Planning Policy Framework and I have not therefore imposed it. No other conditions are necessary as the proposal has been carried out.

² Paragraph 5 of decision dated 27 July 2012.

³ Paragraph 3.2 of Appellant's statement.

17. For the reasons set out above, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan and having considered all other matters raised, in this particular case I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR