



Appeal Decision

Site visit made on 12 December 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 09th January 2018

Appeal Ref: APP/V3310/W/17/3179840

Land south of Little Sneyd, Sand, Wedmore BS28 4XF

- 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 Ian Corbett against the decision of Sedgemoor District Council.
 - The application Ref 50/17/00038/CJA, dated 12 April 2017, was refused by notice dated 21 June 2017.
 - The development proposed is to resite and retain storage units for ancillary residential storage.
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Decision

1. The appeal is allowed and planning permission is granted to resite and retain storage units for ancillary residential storage on land south of Little Sneyd, Sand, Wedmore BS28 4XF in accordance with the terms of the application, Ref 50/17/00038/CJA, dated 12 April 2017, subject to the conditions in the Schedule at the end of this Decision.

Procedural Matters

2. The appeal was submitted in the name of Mrs E Corbett. However, I have since received confirmation that she is acting on behalf of Mr Corbett. Therefore, references in this Decision to 'the appellant' should be construed accordingly.
3. The application was made in retrospect, as one of the storage units is already in situ whilst the second unit is stationed nearby on land owned by the appellant. However, this matter does not affect the planning merits of the development. Therefore, it has had no material bearing on my decision.
4. The appellant asserts that one of the storage units is immune from any enforcement action the Council wished to take, due to the length of time it has been in situ. However, this is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to have the matter determined under Sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

5. The main issues in this appeal are the effect of the storage units on the character and appearance of the area and whether they benefit the rural economy.

Reasons

Character and appearance

6. The appeal site is alongside a timber cabin and a shed in the corner of a paddock. The cabin is lawfully occupied for residential purposes¹. The site is set well back from the public road, adjacent to the former barn at 'Little Sneyd' and other housing in Sand, a hamlet which occupies a countryside setting.
7. The smaller of the two storage units is finished in a light grey colour. It is of very modest size and is seen in conjunction with the larger shed and the cabin alongside, with a larger outbuilding in the adjacent grounds of 'Little Sneyd' and high timber boundary fencing in the background. There are limited public views of the unit. The Council did not object to this unit on grounds of its visual impact and I have found no reason to disagree with them.
8. The larger of the two storage units is a green painted shipping container. Although somewhat utilitarian, its appearance is not entirely at odds with that of the cabin and its adjacent shed. The container is of an overall size not dissimilar to that of the shed. It would be repositioned alongside the cabin, adjacent to the paddock entrance. The container would be orientated with the longer sides parallel to the side of the cabin. Most of the container would therefore occupy part of the footprint of a previous lawful mobile home, now removed². Consequently, the container would be well related to the cabin, the shed and the other unit in terms of its appearance and location and it would not involve any further significant encroachment of residential structures into the paddock.
9. The container has a low roof profile which, coupled with its orientation would mean that only the top part of its narrow 'front' end would be visible above the high timber fencing along the boundary with 'Little Sneyd'. Moreover, the container would be located a substantial distance from the public road. The presence of dwellings on either side of the communal access leading to the site and the substantial maturing planting alongside the access would break up the angular roof profile of the container and would minimise any views from the public road. Due to substantial trees and vegetation along the paddock boundaries, the container would not have any significant visual impact on its wider countryside surroundings. Landscape planting could further assist in breaking up the shipping container's profile and with use of appropriate species, need not take a significant amount of time to be effective. Also, given the extensive well-planted linear boundaries of the paddock and in the vicinity, such planting would not be out of context. As a result, the repositioned container would not appear as an alien feature in its surroundings.
10. Overall therefore, the units would not cause unacceptable harm to the character and appearance of the area. Consequently, the units would respond positively to and reflect the particular characteristics of the site and the identity of the surrounding area, thereby achieving high quality design in accordance with Policy D2 of the adopted Sedgemoor District Core Strategy (CS) and maintaining the environment in accordance with CS Policy P6.

¹ Reference 50/17/00039/CJA dated 23 June 2017.

² Reference 50/08/00040/CJA dated 12 September 2008.

Rural economy

11. CS Policy P6 strictly limits development in the countryside to that which relates to specific countryside needs such as those of agriculture or where a countryside location is essential or more sustainable.
12. Being of modest cumulative size and used for ancillary residential storage, the units are not dissimilar in terms of their scale and nature to many developments undertaken in the curtilages of dwellings. Most residential occupiers could reasonably expect to have an ability to undertake some storage of domestic items such as furniture and electrical products not in everyday use, within the grounds of their property. This would extend to residential properties which as in this case, are located in the countryside. Consequently, the storage provided by the units could reasonably be regarded as 'essential' in the sense of being absolutely necessary or extremely important. Moreover, given the relative accessibility of the site, undertaking domestic storage in another location is likely to involve the appellant having to make additional car-borne movements and would therefore be less sustainable than having an on-site storage facility.
13. There would also be some employment generated by the repositioning of the container and the associated landscape works. Whilst this would be short-term and at a very modest scale, it would be similar to the benefit to the rural economy that would be created by new development within the curtilage of any other countryside dwelling. Future renting out of the units out could be prevented by condition, thereby avoiding an increase in the need to travel.
14. Therefore, in the absence of any firm evidence before me which would indicate otherwise I am satisfied that the units have a benefit, albeit modest, to the rural economy, as a countryside location is essential and is more sustainable than the alternatives. For the above reasons, the units accord with CS Policy P6.

Conditions

15. I have imposed a condition which requires inter alia the repositioning of the shipping container and the implementation of an approved scheme of landscape planting within set timescales, failing which both units have to be removed. This is in order to safeguard the character and appearance of the area. I have also imposed a condition limiting use of the units to purposes ancillary to the appellant's residential use of the adjacent land. This is in order to prevent a commercial use in a location with limited accessibility and also to protect the living conditions of the occupiers of adjacent residential properties. I have consolidated and amended the conditions suggested by the Council, in order to ensure that they meet the tests at paragraph 206 of the National Planning Policy Framework.

Conclusion

16. Subject to conditions, the storage units accord with the Development Plan. Therefore, I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Both storage units hereby permitted shall be removed within 28 days of the date of the failure to meet any one of the requirements set out in i) to v) below:
 - i) Within 1 month of the date of this decision, the shipping container shown on drawing no PL3452/2 shall have been repositioned in accordance with drawing no PL3452/3.
 - ii) Within 3 months of the date of this decision, a scheme of landscape planting shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation.
 - iii) If within 6 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iv) If an appeal is made in pursuance of iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - v) The approved landscaping scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved landscaping scheme specified in this condition, any trees or plants comprised in that scheme which within a period of 5 years following their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The storage units hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the adjacent timber cabin (or any structure which replaces the cabin in future).