

## Appeal Decision

Site visit made on 24 June 2019

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 July 2019**

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**Appeal Ref: APP/J3720/W/19/3224440**

**Binton Corner Fields, Evesham Road, Binton CV37 9TE**

- 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 N Higginson against the decision of Stratford on Avon District Council.
  - The application Ref 18/02722/FUL, dated 13 September 2018, was refused by notice dated 9 November 2018.
  - The development proposed is an agricultural building and raised decking.
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### Decision

1. The appeal is allowed and planning permission is granted for an agricultural building and raised decking at Binton Corner Fields, Evesham Road, Binton CV37 9TE in accordance with the terms of the application, Ref 18/02722/FUL, dated 13 September 2018, and the plans submitted with it, subject to the following condition:
  - 1) Except for the decking and steps on the southern side of the building, which shall not be built, the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Front View; Right View; Rear View; Left View; 3D-View; Floor Plan.

### Procedural Matters

2. The building and decking have already been erected, so I am considering this appeal retrospectively. However, the decking to the south of the building, shown on the photographs submitted with the appeal, had been removed prior to my visit. The appellant, in his statement of case, suggests that it would be logical to retain the hut in situ and remove the decking. I have therefore considered the appeal based on the building and remaining decking that was in position at the time of my visit.
3. The appellant contends that the building falls within the definition of a caravan and is not, therefore, operational development that requires planning permission. 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.

### Main Issue

4. The main issue is whether the agricultural building is justified in this location, having particular regard to the functional need for the development and its effect on the character and appearance of the area.

## Reasons

5. The appeal site is part of a larger area of agricultural land that borders Evesham Road to the north. The land comprises 2 fields that are divided by a hedgerow running from north to south. This hedgerow meets the roadside hedge boundary roughly at right angles. To the western side of the meeting point of the hedges there is a sewage pumping station, with an access off Evesham Road. On the other side of the dividing hedge is a modern agricultural building on the appellant's land. The building subject of this appeal lies immediately to the south of this agricultural building. This group of buildings is the only development on the southern side of Evesham Road for some distance, and the area in general comprises open countryside, with occasional isolated buildings on either side of the road.
6. The building subject of the appeal is a timber cabin with a low-pitched roof. It has a floor area measuring approximately 7 metres X 4.85 metres and it has been stained a dark green colour. Due to the sloping ground, and the risk of flooding, it has been installed on a platform above ground level. Access to the building is gained via decking on the eastern side of the building. I saw that the building contains a cubicle with a wc and handbasin. The remainder of the interior is open plan and contains fitted kitchen units and a worktop with a sink. There is a log burner in one corner and chairs, a sofa and a coffee table, with windows looking out over the agricultural field to the south. The building is fitted out to a high standard, but it has a timber floor and is suitable for the appellant's stated intention of providing welfare facilities.
7. The building is not readily visible from any nearby vantage points. It is screened from the north by the substantial roadside hedge, and by virtue of its siting behind the larger agricultural building on the land. There is a group of trees between the building and the sewage pumping station, which screens any views from a westerly direction. The field in which the building is situated is surrounded on all sides by hedgerows. The building can be seen through the access to the field, but only when viewed from the track to the east, not from Evesham Road. Even from this viewpoint, it is seen alongside the larger agricultural building and against a backdrop of trees, so its modest scale and dark staining means that it has a minimal impact on the landscape. My attention has not been drawn to any more distant viewpoints from which it may be visible, and the Council accepts that the building results in very limited harm to the character and appearance of the area.
8. The land comprises 16 acres in total and is laid to grass so that hay crops can be taken. The appellant and the joint owner undertake this work. There is additional maintenance work in cutting hedges and clearing ditches. Future plans include growing other crops, installing new fencing and planting trees. The appellant does not live on-site but spends up to 2 full days on the land per week. Although the land is not run as an agricultural business, there is a clear need for the provision of some form of welfare facilities to allow him to carry out these agricultural activities.
9. The provision of a log cabin is not the only way that welfare facilities could be provided. The Council has suggested that they could be provided within the existing agricultural building, or through the siting of a caravan on the land. The appellant has suggested that another alternative would be the extension of the existing agricultural building.

10. I saw that the existing agricultural building was used for the storage of a range of agricultural equipment that is used on the land. This included tractors, trailers, rollers, a quad bike, an oil tank and racks of small tools. Although there was space to move around these items, the building is not significantly larger than is necessary for the storage of this equipment. It would, nevertheless, be possible to partition an area of the building for the provision of welfare facilities. This would, however, reduce the space available for any additional storage needs that may arise as future projects on the land materialise. This could lead to the storage of machinery or equipment in the open, or to a justified need for an extension to the building, both of which would have a similar impact on the landscape as the existing cabin.
11. The Council accepts that a caravan placed on the site, and used for the same purposes as the cabin, would not require planning permission. If the cabin were to be removed, this is a potential and realistic fallback position. The siting, design and colour of a caravan would be outside the Council's control, so albeit that it would be a mobile structure, it could have a greater impact on the landscape than the existing cabin.
12. Policy AS.10 of the Stratford-on-Avon Core Strategy 2011-31 (the Core Strategy) seeks to ensure that all development minimises the impact on the character of the local landscape. It identifies a range of development and uses that are acceptable, in principle, in the countryside. A building or structure related to agriculture, where it is required for such purposes, is one such acceptable development. Other types of development need to be fully justified, offer significant benefits and not be contrary to the overall development strategy. The Development Management Considerations attached to the Policy advise that applicants for agricultural buildings will need to demonstrate a functional need for the proposed building.
13. The functional need for welfare facilities to enable the agricultural use of the land has been demonstrated. The cabin provides such facilities with minimal harm to the landscape. Consequently, it falls within the categories identified by Policy AS.10 that are acceptable in the countryside, rather than being an other type of development that must offer significant benefits. Notwithstanding this, the cabin enables the owners to spend time on site maintaining the land and carrying out agricultural operations, which has benefits for the landscape and the rural economy.
14. Drawing all these matters together, there is a functional need for welfare facilities to enable the agricultural use of the land. Whilst this need could be met in a different way, the very limited landscape harm caused by the cabin does not justify a requirement for its removal and pursuit of an alternative. This is particularly the case as the alternatives may result in similar, or more harmful impacts on the landscape. I therefore conclude that the proposals comply with Policies AS.10, CS.5 and CS.9 of the Core Strategy, which seek to ensure that development maintains and enhances the rural character of the area, minimises its impact on the landscape and reflects the character and distinctiveness of the locality.

## **Conditions**

15. As the development has already taken place there is no need to impose a condition limiting the time for implementation. I have imposed a condition identifying the approved plans, for certainty, but the condition excludes the

area of decking that was removed prior to my visit. The appellant has suggested a condition preventing the use of the building for residential accommodation. However, as the description of the development is an agricultural building, any future residential occupation would be a change of use requiring planning permission, so such a condition is unnecessary.

### **Conclusion**

16. For the above reasons I conclude that the appeal should be allowed.

*Nick Davies*

INSPECTOR