



Appeal Decision

Site visit made on 3 December 2019

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal Ref: APP/M1710/W/19/3236206

Lot 4, Comley Hill, Rowlands Castle

- 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 Rishworth against the decision of East Hampshire District Council.
 - The application Ref 28525/050, dated 25 February 2018, was refused by notice dated 18 July 2019.
 - The development proposed is mobile field shelter with feed store above.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The field shelter has been partly constructed, with only the proposed side walls yet to be fitted. As such the appeal is partly retrospective and I have determined it on that basis.

Main Issues

3. The main issues are whether the development is suitable in this countryside location, having regard to the location of the site and the character and appearance of the area.

Reasons

4. The appeal site is a paddock located some distance along a track, it is outside of the settlement boundary and is treated as countryside for the purposes of the East Hampshire District Local Plan: Joint Core Strategy 2014 (the Core Strategy). The Core Strategy permits development in the countryside where it is demonstrated that such development is necessary for farming, forestry or other rural enterprises.
5. The structure would provide shelter at ground floor level, with a feed store above, the rationale for this design has been influenced by the need to keep feed away from rats. The appellant keeps a number of animals on the site, however on the basis of the evidence submitted there is no suggestion that these animals are part of a rural enterprise or are being bred for agricultural purposes.
6. Adjacent to the structure is a large barn and I witnessed at my site visit that there is an existing field shelter in one of the adjacent paddocks used by the appellant which is fairly substantial in size. Whilst the structure the subject of

this appeal would be capable of providing some limited shelter, this seems rather insignificant in comparison to the existing shelter and adjacent barn. As such I do not consider that the structure would provide a functional shelter for the animals of the site. Whilst I appreciate that it would be desirable to keep feed higher up and away from the animals this would be possible to do within the barn. This may not be the preferred option of the appellant, however it would be a reasonable solution.

7. As such, I find that on the basis of the evidence submitted, the appellant has not demonstrated a proven need for the structure. Therefore the retention and completion of it would conflict with Policy CP19 of the Core Strategy.
8. The structure is in excess of three metres high, and whilst there is some natural screening along the boundary with the track, and additional planting has been provided adjacent to the structure, it remains visible and appears as a kind of isolated tree house. It's presence within this rural area is entirely out of keeping with the more agricultural character of the adjacent barn, and the small scale of scattered field shelters. As such it is an incongruous addition which adversely effects the character of this rural area.
9. Accordingly, I find that the structure conflicts with Policy CP29 of the Core Strategy which requires development to be appropriate and sympathetic to its setting.

Other matters

10. The appellant has brought my attention to a number of structures that they suggest have been erected within sites along the access track without planning permission. I have no evidence before me regarding the lawfulness of these other developments, and the only structure that I am able to assess is the one subject of this appeal. As the local planning authority, the Council has the authority to address unlawful developments, and the concerns of the appellant should be raised with the council in the first instance.
11. The appellant submits that the appeal site is not used for the stationing of caravans and the structure would not overlook any residential properties. I am satisfied that both of these statements are true, however whilst the appellant is using the land in a productive way and is not causing harm to nearby users, these are not matters that outweigh the conflict identified in my reasoning.

Conclusion

12. On the basis of the evidence submitted the appellant has failed to demonstrate a need for the structure in this location and therefore its siting conflicts with the development plan. Whilst the structure is largely screened from view this is not a consideration that outweighs the principle conflict with the development plan.
13. As such, for the reasons above and having regard to all other matters raised, I conclude that the appeal is dismissed.

J Ayres

INSPECTOR