



Appeal Decision

Site visit made on 10 December 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/M1710/D/19/3241048

Bede House, Bighton Hill, Ropley, Alresford SO24 9SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Cutts against the decision of East Hampshire District Council.
 - The application Ref 35076/009, dated 13 September 2019, was refused by notice dated 1 November 2019.
 - The development proposed is described on the application form as the 'erection of outbuilding to store owners cars and domestic machinery.'
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Decision

1. The appeal is dismissed.

Planning background

2. Application Ref 35076/009 follows unsuccessful planning application Ref 35076/008 made in 2018 (the '2019 scheme' and '2018 scheme' respectively). The latter was dismissed at appeal.¹ Both relate to the proposed provision of a detached building within the grounds of Bede House for domestic storage. The 2018 scheme was for the storage of 'vintage cars', the 2019 scheme is stated to be for the storage of the 'owners' cars' (models from 2000 and 2011). The location, scale and height of the schemes differ.
3. Notwithstanding the planning history here, each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. With a review underway at a relatively early stage, the development plan includes policies of the East Hampshire Joint Core Strategy (adopted 9 May 2014, the 'JCS'). The appeal site falls within the Parish of Ropley, in respect of which a neighbourhood plan was recently made (19 September 2019, the 'NP').
4. I have also had regard to various other material considerations, including relevant provisions of statute, of the National Planning Policy Framework ('NPPF') and of the Planning Practice Guidance ('PPG'). The appellant has brought to my attention several examples of outbuildings permitted nearby, to which I will return.

Relevant policies

5. JCS policy CP19 requires that development proposed in the countryside must have a 'genuine and proven need', in order to protect the countryside and its

¹ Ref APP/M1710/D/18/3219386.

character from unjustified development and dilution. NP paragraph 7.012 explains how policy RNP2 amends the settlement boundaries identified in the JCS in which development is accorded support in-principal, beyond which land is defined as countryside. But that is moot here. The appeal site falls some distance beyond the nearest settlement boundary. Bighton Hill is a narrow and winding rural lane enclosed by hedgerows and trees. It serves a handful of properties scattered along its length, set within a wider context of open fields and patches of woodland.

6. In that context JCS policy CP19 applies. NPPF paragraph 170 similarly sets out that planning should recognise the intrinsic character and beauty of the countryside. There is a balance to be struck between enabling suitable flexibility for individuals to alter their properties and land, and the broader public interest. Planning should operate proportionately in that context. However, as noted by the Inspector who determined the 2018 scheme, JCS policy CP19 does not apply only to development that would be highly visible.

Main issue

7. Against the background above, the main issue is whether or not the appeal site is an appropriate location for the development proposed with regard to its intended use and effect on local character and appearance.

Reasons

8. The 2018 scheme was for a building with a footprint of some 180m² and maximum height of around 6.7m, set within an area of open ground about 45m away from Bede House. The previous Inspector reasoned that scheme would have been partially visible, and that it represented an undue and unjustified incursion into the countryside. The current proposal is for a building of 127.5m² with a simpler form and slightly lower height, features that would be beneficial in limiting its prominence relative to the earlier scheme.
9. Plan 19/33/01 appears to show the appeal site as incorporating all land associated with Bede House. However that land comprises elements of different character. Subsequent references to 'the appeal site' are therefore specifically to the location in which the outbuilding is proposed (rather than the wider planning unit). The outbuilding now proposed would, as before, be reached by a second access to the land associated with Bede House off Bighton Hill, close to where that becomes Sutton Wood Lane. That is to the north of the access serving the courtyard to the property. The northern access has a less domestic feel, being largely unmade (potentially representing an historic field entrance).
10. There is a line of mature trees and fence between the track and landscaped land nearer Bede House. There is also an established hedge the other side next to fields by Sutton Wood House, broadly to the north, which incorporates evergreen trees. The outbuilding would be set in an area of rough ground some 128 metres from Bede House, close to Bowers Grove Wood to the east. There is a recently-planted copse to the south-east within the appellant's ownership. There are also three outbuildings nearby (stables, a gym and a small shed). If a direct line is drawn between the appeal site and Bede House, much of the intervening land appears to be a paddock, or fenced-off area of ground. The topography here is largely level, Bighton Hill rising broadly north-westwards.

11. Bede House is a substantial property set within spacious grounds. That will generate the need for a commensurate level of storage. The design proposed is understated and consistent with a simple rural aesthetic. There is some contextual development in the form of existing outbuildings. There would also be little inter-visibility with Bede House or its landscaped grounds.² On account of the topography, distance from surrounding vantage points, and intervening hedges and trees, the proposal would be barely perceptible in the landscape; including from Bighton Hill, Bowers Grove Wood, or Bowers Grove Lane further northwards. Its visual effects would, in my view, be negligible.
12. Given the nature of the site and its access, its distance from Bede House and landscaped gardens around it, and intervening features between the two, the appeal site cannot reasonably be described as residential curtilage.³ Whether or not that is the case is of no real bearing on its situation within the countryside, or effects in respect of character and appearance.⁴ However it is important for two reasons.
13. Firstly it qualifies the appellant's argument that the outbuilding would be beneficial in terms of providing space for his two cars; a walk of some 128 metres seems far less convenient than using the southerly access to the property and parking immediately by Bede House. There is no substantive evidence before me of other options for garage space closer to the property than this proposal that have been discounted for whatever reason.⁵ Secondly, permitted development rights for the creation of domestic outbuildings relate only to the curtilage of a property.⁶
14. I acknowledge that, on account of their size, construction or ability to be converted, existing outbuildings may not meet the current specifications of the appellant. However the three nearby outbuildings offer a fair amount of storage space and appeared little-used at the time of my site visit. Appendix 9 to the appellant's statement of case itemises the equipment intended to be stored within the proposed outbuilding. The sum of the area those items would occupy, without circulation space, amounts to 60.68m². That is 78.94m² including two vehicles. However that suggests that all equipment would sit in its own space on the floor, as opposed to on shelves or being wall-mounted, for example. Provision for eight mowers seems a touch excessive.
15. Moreover even 78.94m² falls short of the 127.5m² floorspace proposed. As previously, there is little evidence before me as to where such equipment is presently stored, or in relation to the impracticality of existing provision (for example with regard to space available or security). The appellant has brought to my attention examples of outbuildings permitted by the Council elsewhere. However none are for outbuildings as substantial as proposed here; those examples vary in floorspace between 48.36m² at Manor Farm and 94.86m² at Churton House, with others in-between (including that at Wield House). Moreover in those other instances it appears, based on the evidence before me, that many are located significantly closer than 128 metres away from the

² Such that no conflict would arise with the design principles set out in the Council's Residential Extensions and Householder Development Supplementary Planning Document (adopted July 2018).

³ A matter at issue in a formerly withdrawn application for a certificate of lawful development (Ref 35076/007).

⁴ As articulated in paragraphs 5.2 and 5.3 of the appellant's appeal statement.

⁵ Mentioned only in so far as robust evidence in that respect may have weighed in favour of the appeal.

⁶ Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

property with which they are associated. Many of those schemes also relate, wholly or partially, to the redevelopment of existing outbuildings. Drawing together my reasoning above, it has not been demonstrated that there is a proven need for the development proposed in line with JCS policy CP19.

Other matters

16. The proposal would undoubtedly be beneficial to the appellant, and I have also reasoned that the visual effects of the proposal would be negligible. The question therefore arises as to whether planning should concern itself with such matters. For three reasons, my view is that it should. Firstly the intrinsic character and beauty of the countryside would be qualified by the introduction of substantial built development. Cumulatively the unchecked introduction of buildings in the countryside would alter its character, although the effects of any one proposal may be small. Provision is, for example, made in statute for the removal of even agricultural buildings in the event they fall into disuse, i.e. in the absence of need.⁷
17. Secondly, permanent buildings of whatever form in the countryside are likely to remain for some time. Requiring the demolition of buildings intended to be permanent via condition is unlikely to be reasonable.⁸ Although the appellant intends to use the building proposed as incidental or ancillary to Bede House, that intention may change (for example if the property were to be sold). Allowing the appeal may therefore lead to pressure over time for alternative uses or additional development, which may in turn have greater effects.
18. Thirdly, there comes a point where a condition requiring that an ancillary use be maintained would cease to be enforceable. That would likely arise here. The proposed building would be substantial in scale and separate from Bede House and its curtilage. It is also capable of being accessed independently, and internal alterations are not development in planning terms.⁹ Therefore, in my view, a condition requiring that an ancillary or incidental use be maintained would be challenging to enforce; no readily identifiable actions would necessarily signify independent use. An independent use would engage different effects and planning considerations to those above. Consequently neither the personal benefits of the proposal, nor any other material considerations, are sufficient to justify allowing the appeal in the light of the conflict that would result with JCS policy CP19.

Conclusion

19. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁷ Schedule 2, Part 6, Class A (A.2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

⁸ PPG Reference ID: 21a-014-20140306.

⁹ Section 55(2)(a) of the Town and Country Planning Act 1990 as amended.