The Planning Inspectorate

Appeal Decision

Site visit made on 28 May 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/G2713/W/20/3246087
The Field, Tunstall Lane, Nunthorpe TS7 0NT

- 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 Miss Pamela Morrish against the decision of Hambleton District Council.
- The application Ref 19/02392/FUL, dated 6 November 2019, was refused by notice dated 6 January 2020.
- The development proposed is permanent siting of a portable cabin on agricultural land ancillary use.

Decision

1. The appeal is allowed and planning permission is granted for permanent siting of a portable cabin on agricultural land ancillary use at The Field, Tunstall Lane, Nunthorpe TS7 0NT in accordance with the terms of the application, Ref 19/02392/FUL, dated 6 November 2019 subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan received 11 June 2014 and Portable Cabin Dimensions.

    2) Full details of timber cladding and roof covering to be applied to the cabin hereby approved shall be submitted to the Local Planning Authority within one month of the date of this decision. The details as approved in writing by the Local Planning Authority must then be implemented within 6 months of the date of this decision, or in accordance with a timescale agreed in writing by the Local Planning Authority.

    3) There shall be no burning of manure or waste products from the site at any time.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the Council's decision notice. I consider that subsequent description to be representative of the proposal and I have therefore used it within this decision, although I have removed references to this being a full planning application and to a previous temporary permission as they are not part of the development.

Background and Main Issues

3. Planning permission was granted for a portable cabin for agricultural use at the site in 2014[1] (the 2014 decision). This was granted for a temporary period until 2019 as the proposal was not considered to be constructed of suitable materials for permanent retention. At my site visit, I saw that the cabin was in situ. The appellant seeks to allow the siting of the cabin on a permanent basis.

4. I consider that the main issues in this appeal are:

   - Whether there is a need for the permanent siting of the proposed cabin; and
   - The effect of the proposal on the character and appearance of the area.

Reasons

Need

5. The cabin is used in association with the use of the wider site for the production and rearing of rare breed Teeswater sheep. This is an agricultural use which is appropriate for this area of countryside.

6. The Council questions whether the number of sheep kept on the site justifies a permanent building. However, evidence provided by the appellant indicates that the flock may contain up to 40 sheep including 12 breeding ewes and 2 tups. Whilst this may not be a viable or profitable agricultural business, the form of the operation and the aim to preserve and continue a rare breed sheep is of some substance and contains both social and economic benefits. Based on the evidence before me, the scale and nature of this agricultural use is more than a domestic hobby or minor recreational use.

7. The appellant has confirmed that the cabin is used for the storage of medication and feedstuffs, and provides greater security than stables located elsewhere on the site. The cabin also provides more suitable accommodation when caring for this rare breed sheep which presents difficulties in breeding and aftercare. To my mind, this represents a clear need for this relatively small scale cabin in support of an agricultural operation. Whilst the appellant may live a short distance away from the site, this would not provide an appropriate degree of support for the operation as would be provided by the cabin.

8. The Council has suggested that a temporary solution may be appropriate during the lambing season, for example a sheep trailer. However, the need for appropriate secure storage and other facilities including provision for vets and contractors would appear to be year round. Also, whilst the 2014 decision granted permission for a temporary period, this was not done on a seasonal basis.

9. I am also mindful that, in granting planning permission in 2014, the Council accepted that the cabin would assist in the support and safeguarding of the rare breed animals produced and maintained on the site. The Council also concluded that the social and economic elements of the activity as well as an environmental role fully reflected the aims of sustainable development. Furthermore, the reason given for the temporary condition on the 2014 decision relates solely to construction materials - the reason does not refer to

[1] Application No 14/01237/FUL

the requirement for a temporary permission to establish a need for the cabin. Based on the evidence before me, there has been no substantive change in the nature of the agricultural operation or development plan policy which would mean that the principle of need should be reassessed.

10. The Council submits that if this proposal was allowed then this would render relevant development plan policies futile. However, the weight to be given to the circumstances of each proposal should still be assessed on a case by case basis with regard to material planning considerations - as the Council did in 2014 and as I have done here.

11. I conclude that the proposal is necessary to meet the needs of an agricultural enterprise which will support a sustainable rural economy and help to conserve a rare breed of acknowledged importance. The proposal will therefore not conflict with the aims of Policy CP4 of the Core Strategy 2007 (CS) or the National Planning Policy Framework (the Framework) with regards to achieving sustainable development in the countryside.

Character and Appearance

12. The cabin is of a utilitarian appearance and constructed from materials which do not reflect the agricultural nature of the site and surrounding area. Although agricultural buildings and other structures in the area may also be of a utilitarian appearance, the profiled steel construction and flat roof of the appeal proposal give it a more urban and temporary character. Whilst the cabin is well-screened in views from Tunstall Lane, I saw that it is apparent as an obtrusive and unsympathetic feature from a nearby public right of way.

13. However, the cabin is of a relatively small scale and is appropriately located within the site. The visual impact arises from its box-like appearance and construction from materials which do not reflect the character of the area. I consider that this could be addressed through the use of timber cladding and a roof covering to reflect the design of agricultural or other buildings in the area. This could be ensured by a condition.

14. Subject to a condition with regards to the use of materials, I conclude that the proposal will not harm the character and appearance of the area. The proposal will not therefore conflict with the design aims of Policies CP17 of the CS or DP32 of the Development Policies 2008. The proposal would also not conflict with the Framework in respect of achieving well-designed places as well as conserving and enhancing the natural and local environment.

Other Matters

15. Reference has been made to the potential residential use of the cabin. However, this is not a matter which falls within the remit of this appeal and would be subject to separate controls available to the Council.

Conditions

16. The Council has suggested a condition in respect of the commencement of development, however this is not required as the development has already commenced. A condition specifying the approved plans is required in the interests of certainty. A condition in relation to the provision of cladding and roof covering is appropriate in the interests of character and appearance. A previous permission for the site included a condition preventing the burning of

manure and waste, and I have re-imposed this condition in the interests of the amenity of nearby residents and activities.

Conclusion

17. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

David Cross

INSPECTOR