



Appeal Decision

Site visit made on 30 June 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/X2220/W/19/3238750

Willow Tree Cottage, Warehorn Road, Ash, Kent CT3 2ND

- 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 Ben Neeves against the decision of Dover District Council.
 - The application Ref 18/00601, dated 4 June 2018, was refused by notice dated 10 September 2019.
 - The development proposed is erection of a building for plant and animal storage. (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the appellant, address and description of development are taken from the appeal form. The building the subject of the appeal has been constructed and permission is sought for its retention.
3. The planning application form originally submitted had the description "*Retrospective approval for the relocation of an existing stable block to the rear of the adjoining paddock and formation of new free-standing timber-clad plant and animal storage facility*". However, the Council state that on 19 June 2018, the applicant resubmitted the front page of the application with the description, "*Retrospective approval for the formation of new free-standing timber-clad plant and animal facility*". Reference to the stable block previously in the location of the present building was omitted at this time. The stables have been relocated but did not form part of the proposal determined by the Council. The appeal form used the description of development made by the Council on its decision notice.
4. The site plan accompanying the application showed a red line to define the planning application site encompassing the new building, a hard standing area alongside it and a field adjacent to the hardstand. It was evident from my site visit that the appellant's grazing of animals includes the use of a second field adjacent to the first field. Indeed, the former stable block has been relocated to a corner of the second field. There is another small building in a paddock that connects the first and second fields. However, my determination of this appeal has been on the same basis as the Council's decision on the planning application in relation to a site that includes the first but not the second field. The appeal form declares the size of the appeal site to be 0.15 hectares.

Main Issues

5. The main issues are (a) whether the building is necessary for the purposes of agriculture, and (b) whether its siting, scale and form are justified in respect of its effect on the rural and agricultural character and appearance of the countryside.

Reasons

6. The appeal site is a rectangular plot to the west of Willow Tree Cottage on the north side of the road. There is a Public Right of Way (EE69) that runs along the southern and eastern boundary of the site in an 'L' shape and separates the site from Willow Tree Cottage. Vehicular access is from the south-eastern corner of the site next to the public right of way and leads to a large hardstanding area. Adjacent to the access and stretching along the remainder of the road frontage is a hedgerow about 3m in height. The surrounding land is largely open and agricultural in nature.
7. The building the subject of this appeal is located just to the north of the hedgerow with an area of hardstanding to its northern and eastern sides. The building is rectangular in shape, approximately 30m in length, 7m in width and 3.5m high. It has a floor area of about 222 square meters. There are two galvanised roller shutter doors, one at the eastern end of the building facing the appellant's home, Willow Tree Cottage, the other to its northern flank. The walls are otherwise formed by black stained weatherboard cladding. The roof comprises industrial corrugated metal roof cladding interspersed with translucent sheeting.
8. The site is within the countryside for planning policy purposes as it is outside of any settlement defined by Policy CP1 of the Dover District Council Core Strategy (2010) (DCS). Policy DM1 of the DCS states that buildings will not be permitted outside rural settlement confines unless specifically justified by other development plan policies or it functionally requires such a location. Policy DM15 of the DCS states that development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted if it complies with specified criteria including "*(ii) justified by the needs of agriculture*", and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.
9. At the time of my site visit there were 2 horses in the field within the appeal site and 7 alpacas in the adjacent field beyond it. Hay had been laid out in the horses' field. Within the building the subject of the appeal were several large round hay bales and smaller rectangular hay bales and tractors and trailers of varying sizes. Timber sheets and posts were stored on raised shelves and there was a work surface with several hand tools stored alongside. At the western end of the building 3 enclosures had been formed using pallets with hay laid on the ground. The building was certainly more densely occupied compared with the internal photographs submitted with the Council's statement.
10. The application form describes the current use of the site as "arable land". The site would appear to have a lawful agricultural use. The field within the application site was in use for animal grazing. Much of the content of the appeal building appeared to be concerned with the related the upkeep of the land. The Council contends that the use of the building appears to be mainly ancillary to the residential occupation of the adjacent dwelling. Part of the

building such as the workshop could readily be used in relation to the dwelling. Yet the evidence before me is that the plant, machinery and hay stored within the building were akin to the agricultural use of the land. There was no other building within the declared appeal site to store such items. There would appear to be reasonable justification for a building to support the agricultural use of the land and for that building to be secure in relation to the storage of machinery.

11. But the impact of the siting, scale and form of the building need to be assessed in this rural context. The building is sited close to the access on to Warehorn Road and to the dwelling at Willow Tree Cottage providing convenience of use and clustering of buildings, reducing the effect of sporadic development in the countryside. The siting close to and parallel with the hedge fronting the road also offers some natural screening to the development. I consider the siting of the building in this location to be broadly acceptable.
12. However, there seems little justification for the large size the building in respect of agricultural needs arising from the small size of the site. The land is only suitable for a limited number of farm animals and machinery necessary for the maintenance of the land would appear to be less than that stored at the time of my visit. The appellant has referred to an intent for the building to provide housing for livestock in inclement weather, but the Council's Agricultural Advisor points out that the enclosed nature of the building appears unsuitable for grazing animals. The building is not ventilated and does not seem suited to the keeping of animals. A smaller building would suffice for agricultural needs arising from the size of the declared appeal site.
13. In respect to the building's form, the dark timber weatherboarding appears appropriate to the rural setting, but it is the overall length, profile and mass of the building that has an adverse impact on the landscape character of the area. The building appears disproportionately large in relation to the adjacent field and is twice the length of the adjacent dwelling Willow Tree Cottage. Whilst it is partially screened from the road by a hedgerow, the building nonetheless is clearly visible from other viewpoints in the surrounding area, and not least from the public footpath alongside the site. The impact of the building's form cannot be readily ameliorated by additional landscape measures. The building's size and form adversely affect the character and appearance of the countryside and thereby conflict with Policies DM1 and DM15 of the DCS.

Conclusion

14. Whilst a case can be made for a building on the declared appeal site to support its current agricultural use, the size of the building the subject of the appeal is excessive in relation to the size of the site, and its form adversely impacts on the character and appearance of the surrounding rural area. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR