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## Appeal Decision

Site visit made on 10 August 2020

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA**

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

**Decision date: 2 September 2020**

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**Appeal Ref: APP/Y9507/C/20/3247211**

**Field south east of Beggars Corner, Halfway Bridge, Lodsworth, West Sussex GU28 9BP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mrs Clare Giles against an enforcement notice issued by South Downs National Park Authority.
  - The enforcement notice was issued on 8 January 2020.
  - The breach of planning control as alleged in the notice is the erection of a timber stable building.
  - The requirements of the notice are to remove the said stable building from the land.
  - The period for compliance with the requirements is three months.
  - The appeal is proceeding on the grounds set out in section 174(2) (c) and (e) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Reasons

#### Procedural Matters

2. The application form notes the appeal is on grounds (a) and (b) although subsequent correspondence notes the appeals are on grounds (c) and (e). I have given some consideration to the grounds (a) and (b).

#### Ground (e)

3. On 8 January 2020 copies of the notice were served on the appellants. They were placed in the post box at Holly Farm Stables and, in addition, a copy was fixed to the gate at the entrance to the land where the notice applies. A land registry search in January 2019 showed the owners to be Mr and Mrs Giles. A telephone call was received from Mr Mark Giles (appellant's father) and owner of the land so correspondence was sent to him, but there was no response. Another search of the Land Registry was made prior to serving the notice, where the title of the land had been transferred to Matthew Giles.
4. It is accepted by the Authority that the notice was served on the correct person, but at the wrong address, but the notice still was correctly served as it was placed directly on the land and the appellant noted it being tied to the gate.

5. I consider that the notice was properly served and in this case there is no harm to natural justice as the appellant has been aware of the notice and has been able to make an appeal.
6. The appeal on ground (e) fails.

**Grounds (b)**

7. The argument here is that the building is on 'skids' and is a movable structure and therefore benefits from permitted development.
8. The structure is in place and is a large double stable type enclosed timber structure with two doors. It is on 'skids' and has no attachment to the ground. However, it is large and clearly very heavy and therefore is 'attached' to the ground by its physical weight. It would require substantial machinery to move it about. The Authority has visited the site on a number of occasions since 2018 and have found the structure to be in the same position, which was the case at the site visit, with evidence of 'tracks' in the grass going to the shelter position indicating longevity in that position.
9. Whether a structure is a building or not will be a consideration of a combination of the factors. In this case, I find that the potential movability of the structure is outweighed by its size and permanence and therefore it is a building not a movable structure.
10. The appeal on ground (b) fails.

**Ground (c)**

11. The appellant effectively argues that the structure should be permitted development and does not need planning permission.
12. The argument is that the structure benefits from permitted development as set out in the Town and Country Planning (general permitted development) England Order 2015.
13. This permits temporary buildings which are movable structures to be temporarily stationed on the land when connected with operations being carried out. The structure has been in position since about November 2018 with no apparent activity on the land. Class B, Part 6, Agriculture and Forestry also allows buildings to be erected on units of land over 5 hectares when reasonably necessary for the purposes of agriculture within that unit. The land is not in agricultural use and is less than 5 hectares.
14. I have found that it is not a movable structure, is on less than 5 hectares and not for use in agriculture and it therefore requires planning permission.
15. The appeal on Ground (c) fails.

**Ground (a)**

16. The main issue is the effect on the character and appearance of the area.
17. The development is within the South Downs National Park. The development plan includes the South Downs Local Plan [LP]. LP Policy SD1 relates to sustainable development and the need to conserve and enhance the landscape of the National Park. LP Policy SD4 seeks to conserve and enhance landscape character. LP Policy SD6 notes that development will only be permitted where it

preserves the visual integrity , identity and scenic quality of the National Park. It seeks to ensure that all development conserves and enhances views from public rights of way, open access land and other publicly accessible spaces.

18. The appellant has not put forward a case under ground (a). This is an agricultural area with a rural character and appearance near to a small 'hamlet'. The timber structure is visible from the adjacent lane, although it is partially screened by vegetation, but with leaves off bushes would be more open in winter. It intrudes on the open rural character of the area. It has an unacceptable impact and does not conserve landscape character. It does not accord with LP Policies SD1, SD4 and SD6 and is not sustainable development.
19. The Authority maintain that at visits in December 2018, July 2019 and October 2019 there have been no horses on the land to indicate any need for such a facility, although a single horse was seen in the field at the time of my site visit. I do not consider that its presence for a relatively short period is justification for the large structure.

*Graham Dudley*

Planning Inspector