
Appeal Decision

Site visit made on 1 October 2020

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2020

Appeal Ref: APP/M1710/D/20/3251915

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

- 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 Paul Cutts against the decision of East Hampshire District Council.
 - The application Ref 35076/010, dated 12 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is the erection of outbuilding to store owner's cars and domestic machinery.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of outbuilding to store owner's cars and domestic machinery at Bede House, Bighton Hill, Ropley, Alresford, SO24 9SQ in accordance with the terms of the application, Ref 35076/010, dated 12 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 1997.01B, 1997.04A and 19/33/02.
 - 3) The building hereby permitted shall not be used at any time other than for purposes incidental to the residential use of the dwelling known as Bede House.

Background and Main Issue

2. There are two recent appeal decisions relating to the erection of an outbuilding at Bede House. I dealt with the first case Ref: APP/M1710/D/18/3219386 in early 2019 and found that there was no genuine or proven need for the development to be allowed in the countryside, as required by Policy CP19 Development in the Countryside of the East Hampshire District Local Plan: Joint Core Strategy (EHDLP), adopted in 2014. I also found that the proposal for a six-bay detached garage would harm the open and natural landscape character of the area. The appeal was dismissed.

3. In January 2020 a subsequent appeal (Ref: APP/M1710/D/19/3241048) relating to a proposal for a smaller outbuilding in an alternative position was also dismissed. In that case the Inspector found that the proposal would be barely perceptible in the landscape and that its visual effects would be negligible, but that in the absence of any proven need for the development, in line with EHDLP Policy CP19, the appeal should fail.
4. The current appeal proposal is for a similar building in the same position as the 2020 appeal case. From my own observations of the site and its context, I have no reason to disagree with the last Inspector's findings in terms of visual impact. Consideration of the simple rural aesthetic of the proposed building, its position in context with other existing outbuildings, the topography of the area, and surrounding landscape features mean that the building would sit comfortably in its setting, conserving the natural distinctive character of the area. Consistent with the previous Inspector's findings on this issue there would be no conflict with EHDLP Policies CP20 *Landscape* and CP29 *Design* insofar as they relate to this matter. For the same reasons there would be no conflict with Policies RNP11: *Impact of New Development* and RNP15: *Extensions and New Outbuildings* of the Ropley Neighbourhood Plan (RNP), adopted in September 2019, both of which are mentioned in the officer's report.
5. Given this background, the main issue in this case is whether there is a proven need for the proposed building having regard to the Council's policy of restraint for new development in the countryside.

Reasons

6. Bede House is a large property with extensive grounds that will generate the need for appropriate levels of storage for vehicles, gardening equipment, and other reasonable paraphernalia. I have no reason to doubt that the proposed building would be beneficial to the appellant for these purposes.
7. The principal difference between this appeal and the last is the evidence of need that has been presented. The appellant has attempted to address questions that were raised by the last Inspector, but which were unanswered at that time.
8. The extensive grounds of Bede House lend themselves to many alternative locations for an outbuilding to be used for garaging. For the purpose of Policy CP19, all the land within the red line application site falls within the EHDLP definition of countryside, being the area outside of settlement policy boundaries that are defined on the Council's Proposals Map. Further corroboration of this is provided by RNP Policy RNP2. Much of the space surrounding the dwelling is manicured garden and, given the extent of land within the appellant's ownership, it is understandable that available space elsewhere would be considered as a preferred location for the building.
9. The position of the garage would be around 125m from the dwelling. As pointed out by the last Inspector, use of this space for garaging would be far less convenient than by accessing the site from the dwelling's southerly access and parking nearby. However, access to the site of the proposed garage would be readily and directly available on foot, achieved through the dwelling's garden, across part of a paddock, and through an immediately adjoining pedestrian gate. I followed that route during my visit and it was by no means inconvenient. The physical separation that is described within the officer's

report comprising mature trees and vegetation along the site's northern access would not prevent reasonable ease of approach to the garage from the house. It is also noteworthy that this route would be more direct than the route that would have been necessary to the position of the first appeal's proposed building, even though that building would have been nearer to the dwelling when measured in a straight line. Moreover, the currently proposed building would be adjacent to existing outbuildings that are already obviously accessed by the occupiers of Bede House and reasonably used for purposes incidental to the use of the dwelling. In my view the spatial connectivity of the proposed outbuilding with those existing, together with the accessible pedestrian link to the dwelling, more than compensates for any sense of remoteness determined purely by distance.

10. During my visit I saw that the existing outbuildings were partly used for some general storage but there was clear evidence that the stables were being put to the use they were constructed for with various items of livery equipment in situ. The larger timber outbuilding also contained items of gym equipment. Furthermore, it is clear that they would not lend themselves to use for vehicle storage, which is a use that would be reasonable for the benefit of Bede House. The appellant has explained that they were in the process of moving into the property in January 2020, with their current home at that time still on the market for sale. It is understandable that their possessions were split between both properties and I have no reason to doubt that impact from the Coronavirus pandemic has interfered further with these plans. Neither do I doubt the appellant's assertions for the long-term use of these existing buildings and I accept the circumstances of their house move satisfactorily explains where existing equipment and vehicles are presently stored, as well as the need to make new provision.
11. In addition to all of this, I have considered the personal needs of the family to make provision for their disabled adult son. Whilst the proposed building would not directly benefit the son, the indirect benefits of having the buildings grouped together, enabling communal family activity to take place in one safe and secure setting, would carry with it some tangible benefits. As such I share the Council's view that support for the health and well-being of the appellant's family is a material consideration that carries some weight in favour of the appeal.
12. I agree with the last Inspector's statement that the cumulative effect of unchecked buildings in the countryside would alter its character and it remains the case that the broad restraint of Policy CP19 does not just apply to development that would be highly visible. However, conversely the policy is permissive of some buildings in certain qualified circumstances. Where the test of genuine and proven need is met, a building would have been checked as being appropriate development in the countryside. Implicit in those circumstances is that where buildings are found to be acceptable in the countryside, they will have an inevitable visual presence that will result in some loss of openness but that need not necessarily be harmful to the rural character of the area. In this instance I have found there to be no unacceptable visual impact.

13. When weighed in the balance, based on all the information I have available to me, I am satisfied that there is a genuine and proven need for the development in line with EHDLP Policy CP19.

Conditions

14. A condition specifying the relevant plans is necessary as this provides certainty. The Council has suggested a condition requiring the materials to be used on the external surfaces of the development be submitted for approval. However, the proposal is for a timber and tiled roof structure which would be appropriate in its setting. No such materials condition is therefore necessary.
15. A condition requiring the building to be used incidental to the use of the house may be challenging to enforce but it would not be impossible as any required monitoring of the use would not be unreasonably onerous or impractical in my view. I agree with the last Inspector that an independent use of the building would engage different effects and planning considerations to those applied above. I therefore find a condition controlling the use of the building to be reasonable and necessary. I have altered the wording slightly of the condition that was suggested by the Council to reflect the tests within the National Planning Policy Framework and the Planning Practice Guidance.

Conclusion

16. For the reasons given, I conclude that there is a proven need for the proposed building having regard to the Council's policy of restraint for new development in the countryside. The Council has referenced Policies RNP12 and RNP16 in their decision but there would be no conflict with either, which deal with new housing and new lighting respectively.
17. Accordingly, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR