



Appeal Decision

Site visit made on 3 October 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/N1730/W/22/3313742

Land at Deer Park, Odiham RG29 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Revell against the decision of Hart District Council.
- The application Ref 22/01034/PRIOR, dated 11 May 2022, was refused by notice dated 28 June 2022.
- The development proposed is the erection of an agricultural barn.

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the Order) for the erection of an agricultural barn at Land at Deer Park, Odiham RG29 1LJ in accordance with the terms of the application Ref 22/01034/PRIOR, dated 11 May 2022.

Preliminary Matters

2. Schedule 2, Part 6, Class A of the Order enables, as permitted development, the erection of a building reasonably necessary for the purposes of agriculture, subject to certain limitations and conditions. Condition A.2(2)(i) is that, before beginning the development, an application must be made to the local planning authority for a determination as to whether their prior approval will be required in respect of 'the siting, design and external appearance of the building'.

Main Issues

3. The main issues are:
 - whether or not it has been demonstrated that the proposal would be permitted development under Schedule 2, Part 6, Class A of the Order; and
 - the effect of the proposal on the character and appearance of the area, with particular regard to siting, design and external appearance.

Reasons

Whether or not the proposal would be permitted development

4. The proposal is for the erection of a barn building which is intended to allow for the storage of feed on the site, near to grazing livestock at Deer Park, particularly in winter months. The appellant sets out that this would avoid the

need to move stock to another location within the wider agricultural unit (which based on the evidence before me is over 5 hectares in area), ensuring efficiencies. I have no reason to doubt these matters.

5. I note that Council officers have set out that they have not witnessed, in person, any grazing of the land. I also note comments from residents that sheep are not typically grazed on the land. Nevertheless, I am satisfied from the evidence before me that the land has been used for the grazing of livestock. Moreover, during my site visit I witnessed the grazing of cattle across a number of fields, both within the site and connected to it. Although I acknowledge that this visit was only a snapshot in time, I noted clear signs of relatively intensive use for this purpose and have no reason to come to any alternative conclusion, even if sheep are not routinely grazed here.
6. Overall, I conclude that the proposed development, on the basis of the evidence before me, would be reasonably necessary for the purposes of agriculture within the agricultural unit. As such, it would comply with the provisions of Class A of Part 6 to Schedule 2 of the Order.

Siting, Design, and External Appearance

7. The appeal site comprises a grassed parcel of land, bound in part by mature landscaping. The surrounding countryside is defined by its rural character with relatively open fields and the presence of boundary hedges and clusters of trees. Built form is visible from the site in the direction of Odiham. During my site visit, I noted that the site and surrounding fields featured some agricultural implements typical of the countryside, including filled feeding troughs. The site also lies within Character Area 1 of the Odiham Conservation Area, and I have had regard to my duties in this respect in making my decision¹.
8. The proposal would be visible from nearby footpaths and some private vantage points. However, it would be set against the backdrop of mature hedging to the north. In addition, the separation distance between the site and nearby residential properties is significant. This, together with intervening landscaping features, would mean that the building would not appear unduly prominent from the surrounding area.
9. Although relatively large, the proposed building would appear typical of its form and function, a simple agricultural building, in this expansive rural site. The external appearance of the building would be acceptable, and I have no doubt that the presence of the building would reduce as those materials weathered over time.
10. Overall, I conclude that the siting, design and external appearance of the proposed building would not appear incongruous or out of keeping with the prevailing agricultural character or openness of the site, surrounding area or conservation area.

Other Matters

11. My attention has been drawn to the site's planning history, which is understood to have included a residential development, and I am aware of concerns in respect of purported alternative uses if the proposal were to be allowed. Nevertheless, I am assessing the scheme before me in respect of the Order,

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

and in any case, any alternative uses or developments are premised on hypothetical eventualities.

12. It has also been brought to my attention that a covenant exists on the land which prohibits the erection of buildings on it and that a 'parish poll' was undertaken previously in respect of the Deer Park. I concur with the Council that the covenant is a legal, rather than planning, matter and I have limited information as to the reason for and status of the parish poll exercise. Ultimately, these matters have not led me to an alternative conclusion on the main issues, assessed against the Order.
13. In respect of comments relating to rights of way, this lies outside the remit of the Order. Nevertheless, the appellant has identified the location of the footways and rights of way relative to the appeal site and proposal. I am satisfied that these defined routes would not be affected by the proposal.

Conditions

14. Any permission granted under the Order is subject to the condition at paragraph A.2(2) that development shall be carried out in accordance with the details approved and be carried out within a period of 5 years from the date on which the application was submitted to the local planning authority.

Conclusion

15. For the reasons given above I conclude that the appeal is allowed and approval granted.

A Price

INSPECTOR

