



Appeal Decision

Site visit made on 26 September 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/M1710/W/23/3316603

Plot 2, Land adjacent to Fir Tree House, Wield Road, Medstead

- 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 G Bunday against the decision of East Hampshire District Council.
 - The application Ref 58482/004, dated 21 February 2022, was refused by notice dated 27 September 2022.
 - The development proposed is the change of use from agricultural to recreational/hobby farm for agricultural produce growing and animal grazing. Including permission for existing associated structures.
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Decision

1. The appeal is allowed and planning permission is granted for a recreational/hobby farm for agricultural produce growing and animal grazing and associated structures at Plot 2, Land adjacent to Fir Tree House, Wield Road, Medstead, in accordance with the terms of the application Ref 58482/004, dated 21 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SLP-001, SP-001, STR-001 and STR-001-A.
 - 3) Prior to the first use of the development hereby approved, details of a scheme for the management of animal waste and other waste generated on-site should be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved scheme.
 - 4) The development hereby permitted shall be used for private recreational purposes only.
 - 5) No external lighting shall be installed on the site prior to details of a proposed lighting scheme being submitted to and approved in writing by the local planning authority. The development should be undertaken in accordance with the approved scheme, and thereafter the lighting shall be operated and maintained in accordance with the approved details.

Preliminary Matters

2. The appeal site contains a range of structures. However, from the evidence, I am unable to conclude that their presence is lawful.

3. In addition to field shelters, the proposed plans also indicate the provision of gates and fencing. The fencing I observed on site appears to correlate with that shown on the submitted plans and accompanying details. However, the appellant indicates that the panel fencing alongside the north-western site boundary is not within the appeal site. In the absence of cogent evidence to the contrary, I proceed on the basis that this stretch of fencing does not form part of the development proposals subject of this appeal.
4. Access to the site from Wield Road is secured via a narrow access track which is outside of the appeal site. Therefore, and even if the Wield Road access has been widened, works undertaken to the access and the track do not form part of my consideration of this appeal.
5. On the application form it is indicated that the proposals were completed prior to the submission of the application. The Council considered the application on this basis. However, from my observations on site, I cannot be certain that the development which has been undertaken accords with that on the submitted plans. This appeal is therefore dealt with as a scheme for proposed development.
6. Within the decision, the description of development has been altered to remove superfluous words and those that do not describe an act of development.

Main Issues

7. The main issues are;
 - whether the appeal site would be a suitable location for the proposed development, with particular regard to the local development strategy and the effect of the development on the character and appearance of the area; and the effect of the development on;
 - highway safety; and
 - the living conditions of occupiers of neighbouring dwellings, with particular regard to noise and disturbance.

Reasons

Development strategy

8. Policy CP1 of the East Hampshire District Local Plan: Joint Core Strategy – dated 2014 (the core strategy) provides a general presumption in favour of sustainable development. Core strategy policies CP2 and CP19 expand upon CP1. Amongst other things, policy CP2 directs new development to the most sustainable and accessible locations, and requires development to protect and enhance the natural environment. CP19 indicates that the only development allowed in the countryside, i.e. outside settlement boundaries, will be that with a genuine and proven need for such a location. Within the amplification of this policy, it is stated that the countryside needs to be protected for the sake of its intrinsic character and beauty, and to ensure that it may be enjoyed by all.
9. Policy 1 of the Medstead & Four Marks Neighbourhood Plan 2015 – 2028 – dated January 2016 (the neighbourhood plan) is a positively worded policy. It indicates that development proposals on land within settlement boundaries will be generally supported.
10. The appeal site comprises one of several similarly sized parcels of land within part of a much larger field enclosure. The wider field is outside of but adjacent

to the settlement boundary for the village of Medstead, as defined within the neighbourhood plan. As such, and on the basis of policy CP19 of the core strategy, the appeal site is deemed to be within the countryside.

11. That the proposed use of the site would be for recreational purposes is not disputed by the 2 main parties. Although the evidence suggests that these activities would not form part of a rural enterprise or farming business, this does not preclude them from being forms of agriculture.
12. The Council accept that the keeping of sheep and alpaca would require an appropriate location, and I have no reason to doubt that the countryside is a suitable location for such animals to be kept. The appellant advises that the field shelters would be used to provide housing and/or shelter for chickens, sheep and alpacas, as well as for the storage of hay and equipment associated with the agricultural activities which would be undertaken on-site. The shelters are of modest sizes, and I am satisfied that they are reasonably necessary in association with the proposed use of the site.
13. Posts and stock fencing have been mainly used to demark the boundaries of the smaller parcels of land within the wider field enclosure. The use of similar such fencing along 3 of the 4 sides of the site, and to divide it internally, would not therefore be out of keeping with other fencing within the area.
14. The proposals would introduce built form in a location that the evidence suggests was previously devoid of such development. However, a tall and substantial intervening hedgerow obstructs views of the site from most locations along Wield Road and the houses beyond. Furthermore, and although the development would be visible through a gap in the hedge at the entrance to the wider field, it would be viewed in the context of the closer and more visually prominent stable building rather than in isolation.
15. The development would be at least partially visible from sections of a public right of way (PRoW) several hundred metres to the northwest of the appeal site. However, from those locations along the PRoW that the development would be visible, the structures and any vehicles parked within the site would be viewed in the context of the nearby hedgerow and the built development beyond. This is because of the distance between the PRoW and the site; the low heights and simple utilitarian forms of the mainly timber structures; and the proximity of the site to development within and beyond the village. The development would not therefore be incongruous with either nearby built development or agricultural land.
16. For the reasons given above, the proposed development would be appropriate in a countryside location, and it would not be harmful to the pleasant semi-rural character and appearance of the area. I therefore conclude that the appeal site is a suitable location for the proposed development, with particular regard to the local development strategy and the effect of the development on the character and appearance of the area. Consequently, and with respect of this main issue, the development would comply with the requirements of policies CP1, CP2 and CP19 of the Core Strategy, and it would not conflict with policy 1 of the Neighbourhood plan. It would also comply with policies CP20 and CP29 of the Core Strategy, where they require development to respect the character, identity, and context of the district's villages and countryside, and to protect and enhance local distinctiveness. In addition, it would comply with those parts of the Framework that seek to conserve the natural environment.

Highway safety

17. I do not doubt that caring for livestock and tending produce would result in more vehicle movements to and from the site than if such operations were not being undertaken. However, the scale of the proposals is very limited. Furthermore, and subject to a condition being imposed which would restrict the use of the site to uses which are for private recreational purposes only, I have no basis to conclude that the proposals would result in more than a low number of vehicle movements to or from the site in any given day.
18. Within the site, an area for vehicle parking is proposed. There would also be sufficient space to enable drivers to turn within the site. On this basis, it is reasonable to expect that drivers would both enter and exit Wield Road in forward gear. Furthermore, the short length of track between the site and Wield Road would be visible for drivers seeking to exit the site. I therefore have no cogent reason to doubt that drivers would wait for any vehicles on the short stretch of access track between the site and Wield Road to pass before entering the track themselves, and as such there would be little likelihood of oncoming vehicles meeting on the track. However, if this were to occur, it is reasonable to expect that drivers would use space within the appeal site to manoeuvre past each other, rather than reversing onto Wield Road.
19. The speed limit on the stretch of Wield Road passing the site is 30mph. Although a snap-shot in time, during my mid-week, late-morning site visit, I found this road to be very lightly trafficked, and I have no reason to suppose that such levels of traffic are not typical. The roadside hedge restricts visibility when exiting from the access track onto Wield Road. However, given the low numbers and speeds of vehicles observed using Wield Road, the low frequency of traffic that would be generated by the proposal, and the space within the carriageway for oncoming vehicles to manoeuvre around a vehicle exiting onto Wield Road, I have no reason to conclude that the proposals would result in demonstrable harm to highway or pedestrian safety in the area.
20. Neither the Highway Authority nor the Council's traffic management team objected to the development proposals subject of this appeal. Although the evidence indicates that the Highway Authority objected to a planning application for development on another site which would also be accessed via the track, I have not been provided with enough information about that application to enable a comparison to be made.
21. For the reasons given, there is no basis to conclude that the proposed development would pose an unacceptable highway safety risk. Accordingly, it would comply with policy CP31 of the core strategy where it seeks to ensure that highway design meets the need for safety. It would also comply with paragraphs 110 and 111 of the Framework which require development to deliver safe and suitable access for all users, and which indicate that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Living conditions

22. I do not doubt that the operation of mowers, and other equipment associated with the proposed use of the site, would be heard by occupiers of the nearby dwellings. The noise from vehicle movements to and from the site would also be perceptible to the occupiers of the nearest dwellings. However, and even if

there are no mains services to the site, I have been unable to establish that the type, level, or amount of noise that would be generated, would be demonstrably greater or more harmful than that which would ordinarily be expected to arise from the use of other residential properties in the area.

23. I therefore find that the development would not have an unacceptable effect on the living conditions of the occupiers of neighbouring dwellings, with particular regard to noise and disturbance. Accordingly, and in respect of this main issue, the development would not conflict with policy CP29 of the core strategy which requires development to help create places where people want to live work and visit. Nor would it conflict with the part of chapter 12 of the Framework which requires new developments provide a high standard of amenity for existing and future users.

Other Matters

24. The proliferation of small-scale agricultural activities such as that proposed, may not necessarily result in the most efficient or productive use of good agricultural land. However, a single scheme is before me at this time, which has been assessed on its own merits.
25. In respect of the main issues, this appeal has been found to comply with the development plan. The allowing of this appeal would not therefore set a precedent for harmful developments on other sites.
26. Even if commercial activities including stone crushing, have taken place on the site in the past, such activities do not form part of the development proposals subject of this appeal.
27. Should the terms of this planning permission be breached, the Council would have the power to investigate any such breach, and, if appropriate, take enforcement action.
28. Although there would not be a significant amount of land for grazing of animals within the site, one of the structures would be used for the storage of hay.

Conditions

29. The Council has suggested 5 conditions, and the appellant has had the opportunity to respond to these. The wording of the conditions has been amended where appropriate. This is for the purposes of clarity and to meet the six tests outlined within paragraph 56 of the Framework. The Council's condition numbering is used within this section of the decision.
30. Because this appeal has been considered on the basis that the development is proposed, the statutory condition which specifies the time-period for the implementation of the permission is included. For the purposes of clarity, a plans condition is also imposed which identifies the plans to which the permission relates.
31. Planning permission would be required for any subsequent change to a non-agricultural use. Therefore, condition 1 is not necessary.
32. Instead of conditions 2 and 3, a single condition is imposed, which restricts the use of the site to that which is for private recreational purposes only. This condition would prevent the commercial use of or sales taking place from the site. Such a condition is necessary to ensure the protection of the living

conditions of the occupiers of nearby dwellings, and to prevent harm to highway safety in the area. It would not be reasonable or relevant to planning for such a condition to prevent the site from being rented out.

33. External lighting has the potential to cause harm to the living conditions of the occupiers of neighboring dwellings. Therefore, a condition is imposed requiring that details of any external lighting be submitted to and approved by the Council prior to installation. This is to ensure that no such demonstrable harm would be caused.
34. Given the limited size of the site and the proposal to keep livestock upon it, a condition is imposed regarding the management of animal waste and other waste generated on-site. This is to ensure that the development would not cause unacceptable harm to the living conditions of the occupiers of nearby dwellings with particular regard to odour.

Conclusion

35. For the reasons set out above, and having regard to the development plan as a whole and any other relevant material considerations, this appeal should be allowed and planning permission be granted subject to the conditions outlined within this decision letter.

V Simpson

INSPECTOR