



Appeal Decision

Site visit made on 1 March 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2024.

Appeal Ref: APP/C1760/W/23/3321616

Barn at land adjacent to Steplake Lane, Sherfield English, SO51 6EP

- 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 N Parsons against the decision of Test Valley Borough Council.
 - The application Ref. 23/00533/FULLS, dated 23 February 2023, was refused by notice dated 21 April 2023.
 - The development proposed is erection of a detached agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached agricultural barn at Barn at land adjacent to Steplake Lane, Sherfield English, SO51 6EP in accordance with the terms of the application Ref. 23/00533/FULS, dated 23 February 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings No. 0787/Ex/01; 0787/Pr/01.
 - 2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactments thereof, the building hereby approved shall be used solely for agricultural purposes only in association with the land edged red on the Location Plan drawing No.0787/Ex/01 and the land that forms part of HM Land Registry Title number HP692992, and for no other use or purposes whatsoever or in relation to any other land. Upon cessation of the agricultural use, for which the building was provided, it shall be removed from the site and the land reinstated to its former condition.

Preliminary Matters

2. I have adopted the description of development as it appears on the application form but removed the word 'retrospective' as this is superfluous and is not an act of development.
3. A revised version of the National Planning Policy Framework (Framework) was published in December 2023, after the appeal was lodged. Even so, the relevant policies remain broadly the same.

4. In response to a request that I raised, the Appellant confirmed, in an email dated 7 March 2024, that the appeal site, shown by the red line, comprised 0.5 acres but that the Appellants holding comprised 5.75 acres in total. The additional land had not been shown in blue as all the land in question was not captured by the submitted location plan. The Appellant also provided copies of the HM Land Registry Title for the land outside the red line, as well as their County Parish Holding No. for sheep and pigs, registration as a food supplier and hygiene rating sticker for 'Parsons Meat', which allows the sale of meat from the site. All of this information was forwarded to the Council and in a further request, dated 8 March 2024, I invited them to comment on the information received. No further comments were received from the Council. I have determined the appeal on that basis.

Main Issue

5. The main issue is whether it is essential for the proposed development to be located in the countryside.

Reasons

6. The appeal site comprises a parcel of land located on the northern side of Wellow Wood Road. The site forms part of a larger holding, which includes the fields located immediately to the north of the appeal site. Access to the appeal site is provided from Wellow Wood Road, with its eastern part comprising areas of grass and hardcore, together with chicken coops. The western part also comprises areas of grass and hardcore, as well as two single storey barns. The main larger barn is sited side on but well set back from Wellow Wood Road. The smaller barn, which is referred to on the submitted plans as a 'proposed extension', is sited abutting the main barn to the north. I understand that the larger barn was granted planning permission in November 2007 for agricultural and equestrian use.
7. The small barn is well under half the size of the main barn. It is this barn that is the subject of the appeal, which seeks planning consent for a detached barn for agricultural use. As the barn has already been constructed, permission is sought retrospectively for its retention.
8. The Council contend that insufficient information has been submitted to demonstrate an essential need for the barn within this countryside location. As such, the Council contend that the proposed barn is contrary to criterion b) of policy COM2 of the Test Valley Borough Revised Local Plan DPD (January 2016) (LP). Policy COM2 sets out the spatial strategy for the Borough which seeks to concentrate new development and redevelopment within the boundaries of the identified settlements. Development outside the boundaries of settlements will only be permitted if it is appropriate in the countryside in line with the list of policies under part a) of policy COM2 or under part b) "*it is essential for the proposal to be located in the countryside.*"
9. In relation to part b) of policy COM2, there are no criteria nor any definition of "*essential*". The supporting text at paragraph 5.49 of the LP simply states that "*In some cases it is essential for a development to be located in the countryside.*" As such, part b) of the policy must be interpreted on its plain reading and in this instance, on whether it is essential for the proposed barn to be located in the countryside.

10. The Appellant contends that the proposed barn is essential for the agricultural use of the appeal site and holding, and to support the operations involved in the rearing and breeding of livestock on the land. Whilst the larger barn is completely enclosed, the proposed barn is only enclosed on three sides, with the fourth side open and secured by metal gates and fencing. The Appellant indicates that this design enables the barn to be used to rear calves in that the open side provides ventilation, which the calves require. The larger closed barn does not allow for this and is not suitable for rearing calves. The proposed barn also allows for additional hay/crop storage.
11. On my site visit, the proposed barn was being used partly to store hay and partly to house sheep. Within the main larger barn, was a large pen being used to rear lambs and protect them from predators. The remainder of this barn was being used as a workshop and to store equipment such as machinery, tools, fencing, wire, posts and other items. As the Appellants don't live on site, my understanding is that large barn provides the security required to safely store all this equipment and to house the young lambs. The Appellant indicates that the main barn is also used to store crops/hay, when required.
12. The field to the north of the appeal site was being used to graze sheep and whilst the field further north was not being used, the evidence before me indicates that this is where the calves and pigs would graze, with the calves then housed in the proposed barn during extreme weather conditions. Other evidence in the form of the Appellants County Parish Holding No., registration as a food supplier and hygiene rating sticker for 'Parsons Meat', indicate that the holding has been used for a number of years for the breeding of sheep and pigs and the sale of meat. This is supported by the comments received from interested parties, which refer to the holding being used to breed sheep and pigs for a number of years. As I also observed on my visit, a farm tractor, flat-bed trailer and livestock trailer, were also being stored in the open.
13. Based on the above and the evidence before me, I am satisfied that the whole holding, including the appeal site, is being used for agricultural purposes. In relation to the proposed barn, I am also satisfied that the evidence and more so my observations on site indicate that this is essential for the keeping of livestock and for the storage of hay/feed to support the holding. Also, that it supports the agricultural use of the holding and the production and selling of local meat produce from the Appellants holding. As such, the proposed barn is required to support those aspects of the business that cannot be served or accommodated within the larger barn, specifically the rearing of calves.
14. The Council's evidence centres on various visits to the site when there was no evidence of agricultural activities taking place, other than the chicken coops. I note that in some of the Council's photographs there is evidence of rubble, skips and a caravan, all of which were not present when I visited the site. Even so, as I confirmed earlier, the holding was being actively used when I visited the site, with a large amount of livestock being reared and housed in the barns and in the adjoining field. The Council also contend that the area of the appeal site (red line) would be too small for the scale of the Appellants agricultural business and would limit, for example, the number of sheep that could be kept on site. However, as the submitted evidence confirms and as I observed on site, the Appellants holding is far more extensive than that simply shown within the red line.

15. The Appellant states that the absence of livestock was, in part, due to them being advised that planning permission was required for the proposed barn and the uncertainties that arose from this, and the inability to commit to purchasing new livestock without the certainty as to whether the barn could be retained or not. The condition of the fields, seasons and the impact of Covid are also likely to have affected the times when livestock were present over the years.
16. The Council also refer to the absence of a business plan, but that is not a requirement of the LP policy. It is also unclear to me as to what difference the existence of such a plan would make or its purpose in relation to such a small scale business and a local agricultural holding.
17. For the above reasons, I find that sufficient information and evidence has been provided which, in conjunction with my observations on site, demonstrate that the proposed barn is required to support the agricultural use of the holding and in particular the rearing, grazing and breeding of livestock and the sale of local meat. Accordingly, I am satisfied that it is essential for the proposed barn to be located in the countryside in accord with part b) of policy COM2 of the LP.

Other Matters

18. Concerns have been raised by interested parties in relation to the proximity to a local nature reserve and impact on a nitrates vulnerable zone. However, there is no substantive evidence before me to support either of these concerns or any evidence that would lead me to find that these concerns would result in any harm or any conflict with the policies of the development plan. I also note that they are not matters that were raised by the Council in its objection to the appeal proposal.

Conditions

19. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A time limit and materials condition are not necessary as the barn has been built and planning permission is sought retrospectively to retain it. Even so, I have added a condition requiring compliance with the submitted plans so as to reflect the barn as built and the details included in the application.
20. I have also added a condition to control the use of the proposed barn. Whilst this was not put forward by the Council and the Planning Practice Guidance advises that permitted development rights should only be restricted in exceptional circumstances, in my view, those circumstances exist here. A condition to this effect would, given the concerns raised by the Council, provide control over the use of the proposed barn within this countryside location, it would reflect the details set out in the application and ensure that it is used in conjunction with the existing agricultural holding.

Conclusions

21. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR