



Appeal Decision

Site visit made on 16 April 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/M1710/W/23/3332103

Land adjacent Wishanger Farm (East of Laurel Cottage), Wishanger Lane, Churt, Hampshire GU10 2QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) ("the Act") against a refusal to grant planning permission.
 - The appeal is made by Mr B Hamlington against the decision of East Hampshire District Council.
 - The application Ref is 50814/004.
 - The development proposed was originally described as "*Retrospective: Retention of existing timber stores*".
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The planning application was submitted as retrospective development. The Council considered the proposal on this basis, and so shall I.
3. The evidence before me indicates that the application sought permission for two timber stores attached to an existing field shelter, which at the time of determination was considered to be unlawful by the Council.
4. The appellant's appeal statement addresses the lawfulness of the existing field shelter, with reference to the statutory time limits for enforcement action. The lawfulness of the existing field shelter is therefore a matter of dispute.
5. In summary, planning permission Ref: 50814/002 was granted in 2008 for the construction of a field shelter to house livestock situated along the northern boundary of the appeal site. The appellant states that this approved structure was built, but following its displacement by high winds, a replacement structure (the existing field shelter) was constructed along the eastern boundary of the site in July 2014. Furthermore, through the passage of time and the absence of any enforcement proceedings, the appellant claims that the existing field shelter is lawful.
6. After the deadline for final comments in this appeal, *The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024* were made on 2 April 2024 (the Regulations). Among other things, the Regulations amended the statutory time limits for enforcement in England. In the interests of natural justice, the main parties were given an opportunity to comment on this matter, but no comments have been received.

7. Within the context of an appeal under section 78 of the Act, it is not within my remit to formally determine whether the existing field shelter is lawful. The planning application before me clearly relates to the proposed timber stores. I have therefore proceeded on the basis of determining the acceptability of the appeal scheme through consideration under section 78 of the Act. However, I have taken account of the evidence before me regarding the lawfulness of the existing field shelter in so far as it is material to this appeal.
8. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. Therefore, neither party is prejudiced by a lack of consultation on the revised Framework.

Main Issues

9. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area and the wider local landscape; and
 - whether the proposed development is appropriate development within the countryside, having regard to relevant development plan policies.

Reasons

10. The appeal site is located outside of any defined settlement boundary, within the countryside.

Character and appearance

11. There is a small cluster of dwellings to the west of the appeal site, but the surrounding character is predominantly rural, with an open feel, comprising mainly fields.
12. The appeal site is a flat field, akin to a small paddock, bounded by timber post and rail fencing, with hedging to its northern and southern boundaries. Such boundary treatments are typical of those in the wider area, including to the surrounding fields and along Wishanger Lane (the lane). The appeal site therefore makes a positive contribution to the character and appearance of the area and the wider rural landscape.
13. Timber field shelters and other timber structures are not uncommon within the wider rural landscape. Indeed, the adjacent fields to the east and south-east include timber field shelters, in an isolated context, in so far as they are distant from other buildings.
14. The timber stores are of a lean-to construction, without foundations, and predominantly made of timber. While the timber stores create additional footprint and mass to the existing field shelter, they appear subordinate to it, due to their lower height and shallow roof angle.
15. However, the easterly timber store occupies the full width of the rear elevation of the existing field shelter; and includes wide UVPC windows finished in a mahogany colour and a front door finished in bright green paint with brass coloured letter box.

16. While the re-use of materials is commendable, in this instance their colour, scale and finish combine to result in a structure that has a domestic appearance, akin to a single storey dwelling. This appears incongruous to the character and appearance of other timber structures within the area.
17. Due to its close perpendicular siting to the lane, the existing field shelter and timber stores are in prominent view when approaching from either direction along the lane, despite a line of mature trees along the eastern boundary of the appeal site. This would be more so when the trees were not in full leaf.
18. Also within view on the easterly approach is a timber field shelter in the neighbouring field to the east, which is also sited perpendicular to the lane, but a little farther away than that at the appeal site. The domestic features of the easterly timber store appear in sharp contrast to this other field shelter when seen in the gaps along the line of intervening trees.
19. For these reasons, the proposal results in a structure that appears discordant to the character and appearance of the area, and the wider rural landscape.
20. The appeal scheme includes an area of enclosure surrounding the existing shelter and timber stores, in the form of post and wire fencing with gates to the field. This was in situ at my visit and is in keeping with the character and appearance of the area and the wider rural landscape.
21. There is a line of hedging along the post and wire fencing, which has been recently planted and will require time to mature. The appellant suggests that further landscaping could be secured by condition. However, given the limited space between the easterly timber store and the boundary of the appeal site, together with nearby existing trees, I am not certain that any planting would thrive.
22. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area and the wider landscape. It conflicts with Policies CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (JCS). Taken together, these policies seek to ensure that new development is of a design that respects the character, identity and context of the district's villages and countryside and landscape; contributes to local distinctiveness; is appropriate and sympathetic to its setting; and uses good quality materials of appropriate scale, profile, finish and colour. It also conflicts with paragraph 180 of the Framework, which seeks to recognise the intrinsic character of the countryside.

Appropriate development in the countryside

23. Policy CP19 of the JCS sets out that permission will only be granted for development within the countryside provided it meets several criteria, one of which is that there is a proven need for a countryside location, such as that necessary for farming, forestry or other rural enterprises.
24. The information submitted with the application and the appellant's evidence submitted to the appeal sets out that the area of land is used for the grazing of sheep and horses; and that the timber stores are used for the storage of hay and machinery used in connection with the agricultural land as well as for horticultural purposes.

25. During my visit, I saw that the field within which the proposal is located was occupied by sheep. The existing shelter was open to view and included straw bedding. The easterly timber store included hay, some planting pots and lengths of timber. The southerly timber store included a small volume of pots and other paraphernalia associated with horticulture, and some hay. I also saw two small freestanding structures, adjacent to the northerly elevation of the existing field shelter, commensurate with the keeping of poultry. A horse box was also parked near to the gate at the north-westerly corner of the appeal site.
26. While the Council's officer report which considered the application refers to a boat, pallets and other items at the site, these were not in place at my visit. However, there was a log store located within the boundary of the appeal site, near the gate at the north westerly corner, which may indicate some degree of domestic use.
27. The appellant states that the land is registered as an agricultural holding ref: 40/042/0369, and there is no evidence before me to indicate otherwise. Although only a snapshot in time, my observations indicate that the appeal site is generally in agricultural use, as defined by the Act. Consequently, I find no reason not to conclude that the proposed development is reasonably necessary in terms of agricultural need.
28. I therefore conclude that the proposed development would be appropriate development in the countryside. It accords with Policy CP19 of the JCS, the objectives of which I have referenced above.

Other Matters

29. The appellant states that the horticulture purpose includes growing food produce for the local community, not for the appellant's consumption; and that produce is distributed locally. In so far as this matter supports agricultural use, I have found in favour of the appellant. The comments of interested parties also support the appellant's position, with further comments that the food is provided to charity. If food were to be distributed to charity and/or to the local community free of charge, this would be a benefit in favour of the proposal. However, in the absence of substantive evidence to demonstrate this, and a mechanism by which to secure such a benefit, this matter attracts limited weight.
30. The concerns of neighbouring occupiers regarding any effect upon property values are private matters and do not have any bearing on my consideration of the appeal. The absence of any complaints from clients visiting any neighbouring businesses does not of itself render the scheme acceptable.

Conclusion

31. The proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

J Moore

INSPECTOR