



Appeal Decision

Site visit made on 11 December 2013

by Roy Curnow BSc(Hons) MA(TCP) CMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2014

Appeal Ref: APP/R3325/A/13/2201969

Land Opposite Bridge Horn Farm, Henley, Langport, Somerset, TA10 9BG

- 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 S Cowling against the decision of South Somerset District Council.
 - The application Ref 13/02245/FUL, dated 23 May 2013, was refused by notice dated 4 July 2013.
 - The development proposed is to provide 2 storage containers for agricultural purposes.
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Application for Costs

1. An application for costs was made by Mr S Cowling against South Somerset District Council. This application will be the subject of a separate decision.

Preliminary matters

2. The appeal proposal is retrospective, as the containers that form the subject of the appeal were already on the site at the time of my site visit. The appellant contends that planning permission for their siting is not required. Whether or not planning permission is required is not a matter for me to determine in the context of this appeal. It is open to the appellant to apply for a determination under s191/192 of the Act.
3. The site address differs between the application form and appeal form. I have used that in the application form.

Decision

4. The appeal is allowed and planning permission is granted to provide 2 storage containers for agricultural purposes at Land Opposite Bridge Horn Farm, Henley, Langport, Somerset, TA10 9BG in accordance with the terms of the application, Ref 13/02445/FUL, dated 23 May 2013, subject to the following condition:

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered location plan; and unnumbered block/roof plan at a scale of 1:500.

Main Issue

3. The main issue in this appeal is whether the development is reasonably necessary for agriculture.

Reasons

4. In its decision, the Council refers to Policy ST3 from the South Somerset Local Plan (LP), (adopted April 2006), which states that development in the countryside will be strictly controlled, and limited to that which will benefit economic activity, maintain or enhance the environment and would not foster growth in the need to travel. The policy accords with the terms of the National Planning Policy Framework, (the 'Framework').
5. The Council does not find against the siting of the containers on the grounds of adverse visual impact on the countryside, and I would agree with this; its case is that there is no proven need for their siting.
6. The site comprises a farmyard on a hillside in the open countryside. On one side of this is a general purpose agricultural building, for which planning permission was granted in 2012. This was being used for the accommodation of livestock and farm machinery at the time of my visit. The yard in front of this building was being used for a variety of agricultural purposes, including the storage of tractors and other machinery, round bale storage and livestock pens. The two containers had been sited on the eastern side of the yard, facing the general purpose building at the time of my visit. They are well integrated into the yard and do not cause harm to the landscape.
7. The containers provide vermin and rodent-proof accommodation for the incubation of turkeys and geese and the storage of animal feeds for the farming enterprise. Furthermore, they allow for the storage general storage of smaller pieces of equipment used in the business that are susceptible to thieves, such as a quad bike. They were being used for these purposes when I visited the site.
8. It has been demonstrated that the containers are required, as the general purpose agricultural building cannot provide this form of accommodation and it is required for the storage of larger equipment, hay bales and livestock.
9. This was reinforced in what I saw at my site visit, as the general purpose building was well used and space within it was at a premium. Furthermore, it appeared to me that it is not so well suited to accommodate the uses to which the containers are proposed to be used. For example, being partially open, it would not provide the same level of security for smaller pieces of expensive equipment as the containers, and it would not lend itself to provide the warm, vermin proof space required for incubating eggs and accommodating young chicks.
10. Chapter 3 of the Framework sets out the Government's aims to support the rural economy. One way in which this can be achieved, it states, is to promote the development of agricultural businesses, and the proposal accords with this.
11. The relevant part of LP Policy ST3 is its reference to developments that benefit economic activity. I consider that the containers are reasonably

necessary for the purposes of agriculture on the holding and the use they would be put to by the business would provide this benefit. As the Council agrees that they would not cause visual harm to the countryside and they would not foster growth in the need to travel, I am of the opinion that the development would accord with LP Policy ST3.

12. Third parties say that the container is unsuitable for the rearing of poultry, and suggest that a timber building would be better suited for this purpose. However, no information has been given to substantiate the former point, and I am charged with assessing the proposed development rather than other forms of accommodation.
13. They, and the High Ham Parish Council, believe that the containers will be used in association with the appellant's agricultural machinery business. My decision has to be made on the basis of what is before me and not what might happen in future.

Conclusions and Conditions

14. The Council is of the opinion that if the appeal is allowed there is no need for conditions to be attached, as the containers are already in situ. However, I consider that there is a need for a condition requiring compliance with the submitted plans for the avoidance of doubt and in the interests of proper planning. Furthermore, the Council reached its decision on landscape impact on the basis of the siting shown in these plans.
15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

R Curnow

INSPECTOR