The Planning Inspectorate

Appeal Decision

Site visit made on 9 May 2014

by Megan Thomas BA(Hons)in Law, Barrister

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

Decision date: 16 June 2014

Appeal Ref: APP/W1715/A/14/2214926
Land adjacent to Brook Lane, Botley, Southampton, Hampshire SO30 2ER

- 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 Rob Edwards against the decision of Eastleigh Borough Council.
- The application Ref F/13/73716, dated 20 November 2013, was refused by notice dated 24 January 2014.
- The development proposed is a general purpose agricultural building.

Decision

1. The appeal is allowed and planning permission is granted for a general purpose agricultural building at Land adjacent to Brook Lane, Botley, Southampton, Hampshire SO30 2ER in accordance with the terms of the application, Ref F/13/73716, dated 20 November 2013, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) Notwithstanding details shown on the Floor Plan, the roller shutter door shall be located in the south western elevation of the building hereby permitted and shall be retained permanently thereafter in that location.

   3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:20,000 (LOC 01), Site Layout Plan 1:1250 (04), Site Plan 1:500 (BLO 1), Floor Plan 1:100 (02) & Proposed Elevations 1:100 (03).

   4) Notwithstanding the approved plans, no development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

   5) No materials shall be stacked or deposited in the open on the site.

   6) The development hereby permitted shall be used for agricultural purposes and for no other purpose (including any other purpose within the Town and Country Planning (Use Classes) Order 1987, or in any statutory instrument revoking and re-enacting that Order with or without modification).

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; whether the proposed building, at the size proposed, would be necessary for the purpose for which it is required; and whether sufficient information has been submitted to demonstrate that there are no other suitable alternative existing buildings on other sites thereby avoiding non-essential building in the countryside.

Reasons

Character and appearance

4. The appeal site is situated immediately outside the Botley Conservation Area in countryside close to Manor Farm Country Park. Brook Lane is a single width narrow lane with wide grass verges and serves farmland and clusters of residential property. There are two grade II listed buildings to the north east side of Brook Lane opposite the site and a large bungalow, Whitehaven, is situated to its south east.

5. The proposed building would be set back from the Lane by about 42m and would be set behind and close to an existing fence about 2m in height. It would have a roof of corrugated fibre cement in grey and would be clad with dark stained horizontally hung, rough cut shiplap timber. There would be a large roller shutter door on the south western elevation.

6. The building would be about 12.2m wide by 18.3m long with an eaves height of about 4.3m and a ridge at about 5.5m. Part of it would be open-sided with the roof as a lean-to. The volume of that open area would be about 55 cubic metres and the volume of the enclosed part, excluding the area above the eaves, would be about 720 cubic metres. The lean-to element would provide a storage area for heavier items of machinery and less valuable items of smaller equipment.

7. Whilst the roof pitch would be shallow, the shiplap timber cladding and the lean-to element would give the building a reasonably rural appearance. The utilitarian roller shutter door would not be seen from the Botley Conservation Area. It would not be unusual to see a large agricultural building when passing along Brook Lane, and this proposed one would be well set back from the Lane and tucked behind an existing fence. The view of largely open fields would remain and this would maintain a key characteristic of Landscape Character Area 12 in which the site is situated. The proposed accessway/turning area would use some of the existing track and part of it would be located to the south west of the building where it would be partially concealed from public view. Consequently, the accessway would not unduly harm visual amenity. The separation distances between the two listed buildings and the proposed building would be sufficient to ensure that the settings of either of those buildings would not be detrimentally affected. Similarly, views out of and into the Conservation Area would not be unduly harmed.

8. Consequently, on this issue, I conclude that the proposed development would not result in unacceptable harm to the character or appearance of the area, Botley Conservation Area or the settings of the listed buildings. There would be

no conflict with saved policies 1.CO or 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) 'LPR'.

Size & necessity for purpose

9. The appellant has a small agricultural business which he operates from the appeal site. He works full-time elsewhere and runs his business outside his main employment hours. In total, he farms about 15.03 acres of grassland which is made up of the appeal site (0.8 acres), land adjacent to the appeal site (1.00 acre), land at Warash (3.11 acres) and land at Sherecroft Farm, Botley (10.2 acres). Of those parcels of land, the appellant owns only the appeal site. He produces hay and fodder and sells it direct to the public. He aims to grow his business so that it becomes his main employment.

10. The Council do not object to the principle of an agricultural building on the appeal site. However, it does consider that the building would be too large for the purpose for which it is required. The appellant has calculated his requirements of hay storage from the historical yields he has had from the four parcels of grassland he cuts. He estimates that he produces about 3000 conventional bales which is the bale format which produces the greatest income for him based on its manual handling qualities. In volume terms, 3000 bales of hay equates to a need for 500 cubic metres. In addition to that it is submitted that an additional 20% is needed to reflect the fact that at the end of the season some hay typically remains in the building. That would give rise to the need for an additional capacity of about 100 cubic metres totalling 600 cubic metres. This, the appellant says, is a slightly conservative estimate.

11. In contrast, the Council have drawn attention to the 'Agricultural Budgeting and Costing Book' and estimated that about 56.8 tonnes of hay would be produced and this would need about 400 cubic metres of storage space. Adding the additional 20% for end of season hay remaining in the building, a capacity of about 480 cubic metres would be needed. In terms of the need for storage of hay therefore, the Council estimate about 120 cubic metres less than the appellant. It concludes that the building is too big for its current purposes.

12. Whilst no documentary evidence has been produced by the appellant to support the yields he is achieving on his various parcels of grassland, I find his estimates based on recent years to be convincing and not so far removed from standardised data in the 'Agricultural Budgeting and Costing Book' to be unrealistic. In addition to this, the enclosed part of the building would need to store agricultural equipment of higher value and this would take up additional indoor capacity and floorspace. Moreover, given that the aim of the appellant is to grow the business, it would be prudent and reasonable to have a building with some excess storage capacity for future expansion. For these reasons, I do not consider the building would be excessive in size.

13. I have borne in mind that the majority of the land from which the appellant sources his grass is not owned by him and that he uses it on an annual rolling basis which does not guarantee him future use of it. However, the appellant asserts that in the locality availability of other land is regular and he would have alternative sources of supply. There is no evidence to refute this and in my view moderate weight can be attached to it. There is no compelling reason to conclude that the appellant's turnover would substantially reduce or that the

long-term viability of his business would be in jeopardy, leaving the building vacant or underused.

14. On this second issue therefore I conclude that the proposed building, at the size proposed, would be necessary for the purpose for which it is required. The proposal would not be contrary to saved policy 1.CO of the LPR.

Availability of alternative buildings

15. There is an emerging policy in the Revised Draft October 2013 Eastleigh Borough Local Plan 2011-2029 which encourages the provision of new agricultural buildings provided that the proposed use cannot be accommodated in existing buildings. The policy (DM14) is in its early stages and there is no information before me on the extent to which there are, if any, unresolved objections to the policy. In the circumstances I give it limited weight.

16. However, notwithstanding that, the appellant indicates that a search for alternative buildings to occupy has been undertaken. He has asked if there are any barns at Sherecroft Farm which could be used but all are used by the landlord himself or are rented out. He has also enquired at Manor Farm Country Park which belongs to the County Council but there is no availability there. More general inquiries have been made through the local farming community but nothing has emerged as available. Whilst noting that there is no documentary evidence of these enquiries, the Council do not refute that such enquiries have been made. In the circumstances, I am satisfied that there is sufficient information in this case on which to conclude that there are unlikely to be any suitable alternative agricultural buildings that this appellant could reasonably buy or rent.

Other Matters

17. The appellant's analysis of current and predicted traffic movements indicates that there would not be an increase associated with the proposed development given that the appeal site is currently used as the base for the business and is used to store agricultural equipment in the open air, under a polytunnel or in a container. I am satisfied that there would be no harm to highway safety or convenience on the surrounding road network and I am supported in this by the lack of objection from the Highway Authority.

18. I am also satisfied that there would be no increased flood risk resulting from the proposed scheme and no harm to trees on the site as a result of the development.

19. National Planning Practice Guidance has recently been published but there is nothing in it which leads me to alter my conclusions in this case.

Conditions

20. I have considered the imposition of conditions in the light of National Planning Guidance and Annex A to Circular 11/95 *The Use of Conditions in Planning Permissions* and where appropriate used model wording. For the avoidance of doubt and in the interests of proper planning I have imposed a condition tying the development to the approved plans. The Floor Plan drawing shows the roller shutter door on the north-eastern elevation and I have therefore conditioned it to the south western elevation to protect visual amenity.

21. In the interests of the character and appearance of the area I have attached a condition prohibiting materials being deposited or stacked in the open air and a condition requiring external surface materials to be approved prior to development taking place. In the interests of highway safety and local amenity a condition ensures that the development can only be used for agricultural purposes and given its semi-rural location and particular justification I consider this condition to be necessary.

Conclusion

22. Having taken into account all representations made, I allow the appeal.

Megan Thomas

INSPECTOR