

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

14th July 2025

LPA Case No: F/25/98967
Your Ref: APP/W1715/W/25/3366368
Contact: Jacob Goodenough
Direct Line: 07950 482 668
Email: jacob@novaplanning.co.uk

Dear Sir/ Madam,

Town and Country Planning Act 1990
Appeal by Mr & Mrs Ray & Hilary Wyer
Site Address: Barn opposite Stroudwood Nursery, Stroudwood Lane, Upham, Hampshire, SO32 1HG

These final comments are provided in response to the Council's Statement of Case received on Friday 11th July 2025. The Appellant's full position is already clearly set out in the Statement of Case, and it is not the purpose of this submission to repeat those arguments. However, the Council has made a number of factually incorrect assertions that require formal rebuttal.

The most fundamental error arises in the Council's assertion that the appeal site does not have a defined curtilage. Specifically, the Council states:

"The LPA acknowledges that the existing unaltered barn could be used for B8 storage purposes (under the Class R prior approval PN/24/98380). However, it is the LPA's opinion that the barn does not have a defined curtilage given that it opens directly onto the field to the rear and functions as an interconnected part of the agricultural holding. Therefore, the area immediately surrounding the barn does not benefit from the prior notification approval."

This is simply incorrect. The existing barn has a clearly defined curtilage, comprising the land immediately to its west (in front) and north (alongside). The fact that the barn opens directly onto a field to the rear has no bearing on the identification of curtilage for planning purposes. What matters is the physical and functional relationship of the land to the building, as it exists on the ground. The Council's conclusion, that this land does not benefit from the prior notification approval, is based on its flawed interpretation and is therefore inaccurate.

Under Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015, permitted development explicitly includes "a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use." The reference to "any land within its curtilage" is deliberate and integral to the purpose and function of the Class R right. It ensures that land associated with the agricultural use of the building can be lawfully included within the scope of the change of use.

For the purposes of Class R, the term “curtilage” is defined by paragraph X of Part 3 of Schedule 2 to the GPDO as follows:

“[...] ‘curtilage’ means the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building.”

This definition reinforces the point that the curtilage is determined by the land’s relationship to the building in terms of proximity, use, and function, and not by physical boundaries or access arrangements.

Furthermore, the prior approval decision, referenced as PN/24/98380, approved the development subject to a condition requiring it to be carried out in accordance with specific submitted plans. Condition 1 of that notice states that “the development hereby permitted shall be implemented in accordance with the following plans numbered: 101.” That plan, submitted as Appendix 4 of the Appellant’s Statement of Case, clearly demarcates the curtilage associated with the building. In approving the application on the basis of that plan, the Council accepted the extent of the curtilage where a change of use was permissible. Their attempt now to redefine that decision for the purpose of this appeal is simply unreasonable.

Turning to the issue of external use, the Council acknowledges that this land has been used for external storage associated with existing barn. Whilst the Council refers only to storage of hay it is evident from Google StreetView imagery that a range of agricultural machinery, aggregates and manure has also been stored on the site over the years. The Appellant considers that, in practical and visual terms, there is no meaningful distinction between external storage of agricultural materials that could be stored on site, such as pallets of fertiliser, fencing, feed, building supplies, or machinery, and the type of external storage that might accompany a general B8 use. Additionally, the Council’s case fails to give any planning weight to the established fallback position, claiming that the use of the land falls outside the scope of the prior approval. This position is directly tied to the Council’s flawed interpretation of curtilage.

Finally, the assertion that any additional landscaping would be “out of character” with the hedged boundaries of Stroudwood Lane is not supported by the actual conditions on site and overstates the uniformity of the existing landscape character. In particular, the application site is already partially screened by higher scrub shown in the image below. Moreover, the assessment fails to consider the opportunities that sensitive landscaping could offer in terms of visual mitigation and ecological enhancement. Well-designed planting can assist in reducing the visual impact of the development and deliver measurable biodiversity benefits, including Biodiversity Net Gain (BNG), which does not appear to have been addressed in the planning balance.

It is also relevant that the Council itself, at Appendix A of its Statement of Case, is proposing Condition 4, which requires that no development shall commence until a comprehensive landscaping scheme (covering all hard and soft landscaping, boundary treatments, and surfacing) is submitted to and approved by the Local Planning Authority. The approved scheme must be implemented prior to first use and maintained in accordance with the approved details. This condition ensures that the Council will retain full control over the nature and extent of landscaping, including species selection and design, to secure an outcome that is appropriate and in keeping with the local character. The Appellant fully supports the imposition of this condition.





View looking north-east towards appeal site from Stroudwood Lane

@Google

Proposed Conditions

Appendix A of the Council's Statement of Case presents a number of draft conditions, which the Appellant supports should the Inspector consider that they meet the requisite tests, except condition 3 which appears to duplicate the requirements of condition 4.

Response to Third Party Representations

The Appellant is not aware of any third-party representations submitted in relation to this appeal.

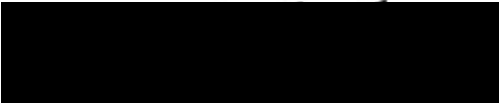
Summary and Conclusions

In summary, the Council's Statement of Case contains several factual inaccuracies and misinterpretations that require correction. Chief among these is the flawed assertion that the appeal site lacks a defined curtilage, despite the clear evidence on the ground, the wording of the GPDO, and the Council's own approval of the prior notification application. The Council's reasoning on external storage similarly fails to engage with the practical realities of the site and the relevant fallback position.

Equally, the objection to additional landscaping on character grounds is misplaced, given the existing mixed boundary treatments and the Council's proposed condition that would ensure any landscaping is appropriate and well-integrated. The Appellant supports the imposition of that condition, alongside all others proposed—save for the minor duplication identified in Condition 3.

The Appellant trusts that the Inspector will give due weight to these points and it is respectfully requested that this appeal be allowed.

Yours faithfully,



Jacob Goodenough
Director

Cc. Mr & Mrs Wyr



www.novaplanning.co.uk



Building A, Unit 3, The Yard,
Station Road, Wickham, PO17 5JA

