



Appeal Decision

Site visit made on 16 November 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/R3325/W/20/3257048

Land adjacent to Knowle Lane, Misterton, Crewkerne, Somerset, DT8 3HP.

- 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 Richard Charman against the decision of South Somerset District Council (the LPA).
 - The application Ref. 19/02416/FUL, dated 30/8/19, was refused by notice dated 6/2/20.
 - The development proposed is described as a "*Temporary building for agricultural use – for secure storage of tools, animal feed, as a farm office, and also for shelter/rest and an area where we can prepare food as we work*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A wooden cabin and a smaller timber shed have been erected on site¹. The appellant has informed me that he does not have an overriding need for a proposed adjoining structure and would be willing to remove this if it was necessary for the appeal to succeed². I also understand that the appellant has purchased a property in Crewkerne and no longer requires all of the proposed uses. Instead, he wishes to amend the description of the development to the "*Erection of a temporary building for agricultural use: for secure storage of tools and animal feed, and to facilitate rainwater collection (retrospective)*".
3. The LPA does not agree to the proposed amended description of the development. It has argued that the cabin and shed are not temporary and the inclusion of a shelter/rest area and area for food preparation was made after an enforcement investigation into alleged use for residential purposes.
4. I am mindful of the Wheatcroft³ principles and the requirements that in amending a proposal the substance of an application should not alter and that no party should be prejudiced by any amendment. The substance of the application would not fundamentally alter if the proposed structure linking the cabin and the shed was deleted and no party is likely to be prejudiced.
5. In contrast, deleting the uses of the cabin and shed as an office, shelter/rest and an area for preparing food would significantly alter the substance of what

¹ During my visit, I noted that another small shed had been erected on land to the north west of the appeal site, as well as a small polytunnel. An old motor vehicle, which I understand has been on the land for many years, also appeared to be in use as a store. I also saw six lambs on the appellant's holding, some chickens and three pigs. Some crops were also been grown. I understand a similar number of other sheep were elsewhere on the holding.

² The cabin and shed on the appeal site have small rear additions.

³ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37].

was applied for and could prejudice the interests of other parties. Moreover, from what I saw during my visit, the cabin appeared (in part) to be in use as a shelter/rest area.

6. Given the above, I have determined the appeal on the basis of the description originally applied for but without the proposed adjoining link. I have not taken into account the small lean-to structures on the rear of the existing cabin and shed and have not been made aware of the planning status of the small shed and polytunnel to the north west or the old motor vehicle.

Main Issue

7. The main issue is the effect upon the character and appearance of the countryside.

Reasons

8. The appeal site forms part of the appellant's 6.9 hectare (16.98 acre) holding. It lies within an area of attractive rolling countryside to the south of Crewkerne. The cabin and shed are sited on sloping land away from the entrance onto Knowle Lane.
9. Within the countryside, established national⁴ and local⁵ planning policies seek, amongst other things, to conserve and enhance the natural environment. In essence, new development is limited to those instances where there is a proven agricultural or other essential local need. Good design is also a key aspect of sustainable development.
10. The timber cabin and shed are small structures that are not readily visible from Knowle Lane. However, not being able to see a development within the countryside does not make it acceptable. This could be repeated too often and would harmfully change the character of the countryside.
11. The cabin and shed are of an overtly domestic appearance and are akin to the type of structures that can be found in back gardens or allotments within urban areas. They have little, if anything, in common with the types of agricultural buildings found within the surrounding landscape and contrast awkwardly with the rural character and appearance of the local area. They do not amount to good or appropriately designed rural buildings and detract from the character and appearance of the countryside. This weighs against granting permission.
12. The appellant purchased this holding in 2018. Since that time, he has cleared much bramble and is looking to increase livestock numbers and manage the land. Whilst these efforts are to be commended, I have not been provided with details of any cogent farm or business plan. It is unclear if the appellant is pursuing a long term business venture or something akin to 'hobby farming'.
13. For the effective management of the land, it would not be unreasonable for an appropriately designed structure to be erected on the holding for purposes such as the storage of necessary agricultural items, feedstuffs, tools and equipment. Unlike the cabin and shed that are the subject of this appeal, a small building that was purposely designed for agriculture and appropriately sited could sit

⁴ As set out within the National Planning Policy Framework (the Framework).

⁵ The development plan includes the South Somerset Local Plan 2006-2028 (LP). The LP objectives include protecting and enhancing the natural environment and LP policy EQ2, amongst other things, aims to preserve or enhance the character and appearance of the district.

comfortably within this part of the countryside. However, I must determine the appeal on the basis of the plans and other information before me.

14. I conclude on the main issue that the proposal adversely affects the character and appearance of the countryside and conflicts with the provisions of the Framework and LP policy EQ2.

Other Matters

15. Knowle Lane appears to be lightly trafficked and there are no details before me of any road accidents. Some vehicular traffic could reasonably be expected with the lawful use of the land and there nothing to demonstrate that the agricultural activities being undertaken by the appellant generate an unusual or excessive amount of traffic. Although visibility at the site entrance is restricted by an old gatepost and a small tree, this matter could be dealt with way of a suitably worded planning condition if the appeal was allowed. Whilst there is evidence of some land contamination, this matter could also be addressed by way of suitably worded conditions if planning permission was granted.

Overall Conclusion

16. My findings in respect of the other matters above do not overcome the harm that I have identified in respect of the main issue. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector