

Appeal Decision

Site visit made on 22 November 2016

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 07 December 2016

Appeal Ref: APP/Q3305/W/16/3155801

Bourne Farm, East Town Lane, Pilton, Shepton Mallet, Somerset, BA4 4NX.

- 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 Mrs H Corfield against the decision of Mendip District Council.
 - The application Ref. 2016/0576/FUL, dated 4 March 2016, was refused by notice dated 29 June 2016.
 - The development proposed is the installation of a new concrete track, the removal of hedging to enable this track and the replacement in section of this hedgerow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the track and the removal of the hedgerow on the character and appearance of the surrounding rural landscape.

Reasons

3. The appeal site comprises open fields which lie in an area of countryside to the east of the hamlet of Pilton. The land is served from East Town Lane/Platterwell Lane which is a narrow rural lane and much of it is lined with banks and hedgerows in the vicinity of the site. The land slopes downhill from the access towards the farmhouse of Bourne Farm together with a number of other holiday let, commercial workshop and storage uses which have access from the lane further to the west.
4. The application proposes to construct a new alternative driveway/track some 200m long to the farmhouse together with a wider access to the lane. This access is said to be for the use of the farmhouse itself together with the surrounding fields. Plans submitted with the application suggest that previously there was a hardcore track along much of the length of the driveway and a field gate with the highway. I noted at my site visit that the application is retrospective in that a concrete track has been laid to the highway as per the submitted 'existing plan' and this included a much greater hard surfaced 'bell-mouth' to the lane.
5. The development plan for the area includes the Mendip District Local Plan adopted in 2014 (the Local Plan).

Effect on the rural landscape

6. The Council says that there is an objection to the principle of the development but it does not appear to me that a new access track is ruled out in principle by the
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provisions of Core Policy 1- the Mendip Spatial Strategy of the Local Plan. Further, the more detailed policies require an assessment to be made of the specific effect of development on the natural context of the locality as in Policy DP1; or whether the landscape quality would be degraded as per policy DP4; or the attractiveness of the place harmed as per policy DP7. I will therefore consider the proposal on its individual merits in relation to these policies.

7. The visual effect of the track can reasonably be divided into two areas: the long length of track leading down to the eastern edge of Bourne Farm and, secondly, the bell-mouth with the lane. In respect of the main track, although this would be of some length, its position in the topography of the area means that it is not prominent or exposed in the public realm or the wider landscape. The concrete surface is intrusive from close by but I understand that it is part of the proposal to resurface the track with loose stone chippings, held in place by a metal frame and I saw samples of this material adjacent to the track at my site visit. I also noted the extensive tree and hedge planting that has been undertaken adjacent to the route of the track until it sweeps into the farmhouse area. With this change to the surface of the track, which can be achieved by condition, I am satisfied that this work would not be visually harmful in the open countryside and would not degrade the landscape context of the site as required by the above policies.
8. However, regarding the second area, the loss of the hedgerow and the scale of the new access and 'bell-mouth' with the lane do not form a physical feature which blends seamlessly into the landscape. I recognise that an access in this position has to accommodate farm vehicles and equipment from the land and I noted that visibility to the west is hampered by mature trees on the inside of a bend in the lane. Nevertheless, there is no evidence to suggest that the lane at this point is a heavily trafficked or that there is a material highway danger to the extent that a substantial junction is required.
9. I find that the removal of the hedgerow and the sweeping curves of the bell-mouth that has been installed and the degree of concrete and hard surface that have been laid result in an urban type y7feature which detracts significantly from the simple rural form of the lane and its landscape setting. The replacement hedgerow that has been planted at this point but set back from the frontage, reinforces the scale and prominence of the access and does not mitigate it. Nor does it appear likely that the extent of hard surfacing is capable of being reduced to an acceptable form by a condition imposed on a permission.
10. In summary, I find that the significant visual and physical harm that this element of the proposal causes means that the development overall does not accord with the requirements of the policies mentioned above and this harm is not capable of being overcome by the requirements of conditions. No other considerations arise which outweigh the identified harm or the conflict with the development plan.

Conclusions

11. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR