
Appeal Decision

Site visit made on 31 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 16th February 2017

Appeal Ref: APP/Q3305/W/16/3161115

Fair Acre, Plummer's Lane, Priddy, Cheddar BA5 3DB

- 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 Scott Stacey, Hyperblast Limited, against the decision of Mendip District Council.
 - The application Ref 2016/1760/FUL, dated 5 July 2016, was refused by notice dated 29 September 2016.
 - The development proposed is change of use and extension of agricultural storage barn to commercial storage use.
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Decision

1. The appeal is allowed and planning permission is granted for change of use and extension of agricultural storage barn to commercial storage use at Fair Acre, Plummer's Lane, Priddy, Cheddar BA5 3DB in accordance with the terms of the application, Ref 2016/1760/FUL, dated 5 July 2016, subject to the conditions set out in the schedule at the end of this decision.

Procedural matter

2. As part of the appellant's appeal submission an arboriculture report is included in respect of reason for refusal number two on the Council's decision notice. The Council acknowledges this adequately responds to their concerns and accordingly they no longer consider it necessary to defend the second reason for refusal. This is reflected in my reasoning below.

Main Issues

3. The main issues in this case are a) whether the proposed development would harm the natural beauty of the Mendip Hills Area of Outstanding Beauty (MHAONB), b) whether the proposed development can be justified beyond established settlement boundaries and c) whether the proposed development would result in an increase in the demand for private transport.

Reasons

Landscape context

4. The appeal site is located close to the junction of Plummer's Lane and the Old Bristol Road to the west of the former Miner's Arms. The existing structure on the site, a partly open-sided barn, is flanked to the east by a stand of imposing deciduous trees and a dense band of coniferous planting to the west. Set high

up on the Mendip escarpment with limited wider tree cover and in proximity to the not too-distant remains of former metallurgical extraction, the site has an atmospheric and compelling context, positively contributing to the character of the MHAONB landscape.

The proposals

5. The proposals are to re-clad and extend the existing steel framed structure, formalise the parking and turning area and formally change the use of the building from its current agricultural use to that of light industrial storage (Class B8).

Effect on landscape

6. The existing structure is partly open-sided which does at present allow for a degree of visual permeability within the landscape; however its present cladding is both utilitarian and somewhat degraded. The proposed recladding comprises full height block walls and their covering in horizontal weatherboarding whilst the roof would be re-clad in new sheeting. An extension would also be added to the western flank, increasing its floor area. The existing portal frame and roof structure would be retained. It is not disputed that this is a solid and robust armature and I would characterise the works proposed as *significant consolidation* of such rather than 'major or complete reconstruction' as anticipated in the relevant policy DP22 (see below).
7. The effect of the development would also be to visually consolidate the structure within the landscape. However, this would be mitigated in part by the continued presence of the trees on the east and west boundaries, and by the upgrading of the cladding to it, which, though low-key, would soften its utilitarian edges sufficient to allow it to blend more successfully into the landscape. Whilst the turning and parking areas would be more formalised, these too would be screened by the established planting and would thus have no materially adverse effect on the landscape character of the area.
8. On this basis therefore I consider it would be compliant with policy DP22 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 – 2019 (MDLP), specifically criteria b) and d) thereof, the first of which anticipated the design of any such development avoiding harm to the character and appearance of the area and the second of which anticipates the building to be of substantially sound construction and not requiring major or complete reconstruction. For the same reasons it would also satisfy paragraph 115 of the National Planning Policy Framework (the Framework), which anticipates great weight being given to conserving designated landscapes such as the MHAONB.

Justification for the proposals

9. The proposals are for the storage of sand blasting equipment and aggregates used in that light industrial process. There is no indication to suggest the process itself will be undertaken on the site and no staff will be located there on a day to day working basis. It is the case that the location of the unit is reasonably remote in relation to adjacent settlements. In that sense, operatives would need to travel to and from the site in order to locate stored machinery and material with their site of work. However, that, to a large degree, is a fact for many rurally based enterprises and where trips respond to local demand, this need not automatically determine the location is 'unsustainable'. Moreover, the Framework seeks to support economic growth

in rural areas. By consolidating and allowing the expansion of the enterprise, the proposals would accord with these aims and garner weight as a consequence. Indeed local development plan policy also supports the same objectives subject to qualification. As I have identified above, the proposal would avoid harm to landscape and comply with conversion policy. Moreover, it should be remembered that as an agricultural building remote from its parent farmstead, the building already has the capacity to generate a range and number of use-related trips, which again militates in favour of the proposals. On these terms too therefore the proposals would also comply with h policies CP1, CP3, CP4 and DP4 of the MDLP.

Whether the proposals would result in increased demand for private transport

10. It is agreed that the location of the proposed development is relatively remote, and it is agreed it is not well served by public transport modes. However, patterns of activity associated with this site as a non-operational storage facility will be consistent with many patterns of rural employment activity. Operatives will travel to and from the site with the purpose of retrieving or depositing materials or plant. In this respect that would be little different from the pattern of activity currently associated with the agricultural use, albeit a degree more intensively. That however has very little or no bearing on the need for employees to rely on public transport or otherwise to access the site. Indeed, given that operatives would need to be commercial vehicle-borne to undertake the anticipated use, this matter is of very limited relevance. Again in my view, the use would be compatible with encouraging sustainable rural enterprise and as such is again in conformity with the aims of the Framework in this regard and with the development plan policies referred to above.

Conditions

11. The appeal being allowed, I attach a condition requiring the development be carried out in accordance with the approved plans, to ensure certainty. I also attach conditions requiring that the external facing materials specified in the scheme are applied and no external lighting be affixed to the building without the prior approval of the local planning authority, both to safeguard the character and appearance and the scenic beauty of the MHAONB. I attach a further condition requiring that the development be undertaken in accordance with the submitted tree protection plan and Arboricultural Method Statement to safeguard the trees on the site and the contribution they make to the character and scenic beauty of the MHAONB.
12. I also attach conditions requiring the prior provision of the vehicle turning area within the site, the surfacing of the access to the site in appropriate materials and that the gates so installed open away from the public highway, all in the interests of highway safety and in respect of the former to safeguard the roots of retained trees.
13. I also attach a condition requiring the undertaking of a programme of archaeological investigation and appropriate recording be undertaken to ensure any archaeological interest to the site is safeguarded.
14. For the reasons given above and having considered all matters raised, I conclude that the appeal should be allowed.

David Morgan

Inspector

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with drawing numbers PL 3669/1, PL 3669/2, PL 3669/3 and PL 3669/4.
3. The development hereby approved shall be carried out using external facing materials as specified on the application form, section 9 (materials).
4. No external lighting shall be installed in connection with the development hereby approved unless in accordance with details that shall have first been submitted to and approved, in writing, by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The external lighting shall be installed, operated and maintained operated in accordance with the details thereby approved.
5. The development hereby approved shall be carried out in full accordance with the recommendations of the approved Tree Protection Plan and Arboricultural Method Statement, titled "Tree Survey, Arboricultural Impact Assessment and Method Statement" dated 9 October 2016.
6. No part of the development hereby approved shall be brought into use or occupied unless provision has been made for the turning of vehicles in accordance with details shown on PL3669/3. The provision made for turning of vehicles shall thereafter be permanently retained, kept free from obstruction and not used other than for the turning of vehicles.
7. The vehicular access to the development hereby approved shall not be brought into use unless the surface of the access has been constructed in accordance with the details shown on PL3669/3 and "CellWebb TRP – Tree Root Protection Guaranteed", and shall thereafter be permanently maintained.
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, any gates erected or installed at the vehicular access hereby approved shall be hung to open away from the public highway and set back a minimum of 15 metres from the adjoining carriageway edge.
9. No works (other than those required to comply with this condition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.