



Appeal Decision

Site visit made on 7 December 2017

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal Ref: APP/D0121/W/17/3181926

Fields behind The Old Stables, Tynings Close, Easton-in-Gordano, BS20 0FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Ian Hutchinson against the decision of North Somerset Council.
- The application Ref 16/P/3012/F, dated 12 December 2016, was approved on 10 March 2017 and planning permission was granted subject to conditions.
- The development permitted is a three bay agricultural barn.
- The conditions in dispute are Nos 3, 4 and 5 which state that:
 - (3) The building shall not be used until details of a landscaping scheme for the site have been submitted to and approved, in writing, by the Local Planning Authority.
 - (4) All works comprised in the approved details of landscaping should be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.
 - (5) Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planning season with others of such species and size as the Authority may specify.
- The reasons given for the conditions are:
 - (3) To ensure that a satisfactory landscaping scheme is prepared and in accordance with Policy CS5 of the North Somerset Core Strategy and DM32 of the North Somerset Sites and Policies Plan (Part 1).
 - (4) To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the North Somerset Sites and Policies Plan (Part 1).
 - (5) To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS5 of the North Somerset Core Strategy and Policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

Decision

1. The appeal is allowed and the planning permission Ref 16/P/3012/F for a three bay agricultural barn at Fields behind The Old Stables, Tynings Close, Easton-in-Gordano, BS20 0FH granted on 10 March 2017 by North Somerset Council, is varied by deleting conditions 3, 4 and 5 and by adding an additional condition (No 7).

Condition 7 - The lower external walls of the barn shall be painted or treated in green on or before 12 June 2018. Thereafter the walls shall be maintained in green throughout the lifetime of the development.

Main Issue

2. The main issue is whether the conditions are necessary and reasonable to ensure that the development does not harm the character or appearance of the area.

Reasons

Condition 3

3. Policy CS5 of the North Somerset Council Core Strategy 2017 (Core Strategy) seeks to protect and enhance the landscape by the careful and sensitive management and design of development. This is informed by the Landscape Character Assessment. Policy DM32 of the Development Management Policies Sites and Policies Plan Part 1 (2026) (DMP) seeks to ensure that proposals are sensitive to the landscape, to local character, and are locally distinctive taking into account, amongst other things, siting, landscaping and levels.
4. The building is located within the Green Belt in a field with established boundary hedges. It is also set on the lowest part of the field. The photographic evidence provided by the Council shows little to demonstrate visual prominence of the barn and this was reinforced on my site visit where I saw that, even in winter months, the existing hedges provide screening. Beyond the building to the south and south east the land rises up and the building is only partially visible from open fields and a public footpath. That which can be seen is set against a backdrop of existing houses such that it is not in itself seen as isolated or visually prominent. Moreover, the appearance of the building could, as the Council suggests, be improved by painting it, a matter which could be controlled with a planning condition.
5. Whilst I can understand the Council's desire to ensure that the hedges remain at a height which maintains the existing screening, the building is not sufficiently visible from the wider area that additional field boundary planting is warranted. Similarly, the extent of planting needed to completely screen the building from the immediately adjacent site would be disproportionate. The nearest neighbouring buildings are the appellant's own property and an adjacent house which is set at an angle and from where views towards the barn are screened by the existing hedge. It is acknowledged that the field boundaries are not in the control of the appellant. However the likelihood of them being removed is relatively low in my judgement.
6. Policies DM10 and DM51 have been referred to and whilst not part of the reasons for the conditions referred to the Council point out that they did form part of the assessment of the application. These Policies include reference to landscaping and securing positive mitigation where there is harm to the local landscape character and seeking high design standards which respect the landscape and rural setting. For the reasons outlined above I do not find the development conflicts with either of these policies. In conclusion there is no critical need for the provision of a landscaping scheme and for similar reasons consider there to be no conflict with Policy CS5 of the Core Strategy or Policy DM32 of the DMP.

Conditions 4 and 5

7. Conditions 4 and 5 relate to the implementation and long term maintenance of the planting scheme required under condition 3. As I have found condition 3 is not required it follows that these conditions are not necessary either.

Other matters

8. The Council comment that the building is being used for the storage of a tractor and machinery and not for the main purpose the application refers. However the condition attached to the planning permission does not restrict the use only to the purposes of lambing and I saw on my visit that whilst part of the building had straw bedding, other contents related to agricultural storage. These uses appeared legitimate within the scope of the planning permission.
9. I have taken into account representations made by local residents, including questioning the need for the barn, given there are only six sheep; also querying whether this building for agricultural use will be converted to residential use once no longer needed. On my visit there were more than 20 sheep in the field and I have no substantive evidence to lead me to doubt that this is a genuine business. In any event, conditions attached to the planning permission require the removal of the building when no longer used for agriculture.
10. I have noted the Council's suggestion that the whole development is unacceptable without the landscaping scheme. However, having considered the case put to me, and given my view that no visual harm would arise from the omission of the landscaping conditions, I see no reason to reconsider the scheme as a whole.

Conditions

11. The Council have requested that an additional condition is imposed requiring the painting of the metal sheeting which forms the external skin of the barn in green. The appellant has no objection to this. The lower part of the barn is currently clad in a range of different coloured sheeting ranging from grey to mid green and would benefit visually from a uniform treatment. As this is agreeable to both parties I intend to impose an additional condition which will serve the purpose of softening the appearance of the barn in views from the direction of the residential properties, from where it is seen against the rising ground behind it.

Conclusion

12. For the reasons given above and having regard to all other matters raised the appeal is allowed.

Janet Wilson

INSPECTOR