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## Appeal Decision

Site visit made on 6 February 2018

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 March 2018**

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**Appeal Ref: APP/W1850/W/17/3188897**

**Land South East of Bage Court Farm, The Bage, Dorstone, Herefordshire HR3 5SU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr MG & Mrs GJ Morgan against Herefordshire Council.
  - The application Ref 172894, is dated 2 August 2017.
  - The development proposed is erection of an agricultural building for free range egg production with associated egg packing area and feed bin (amended scheme of 161909).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. As this appeal relates to a failure of the Council to give notice within the prescribed period of a decision on an application for planning permission, I have had regard to the Council's letter dated 8 January 2018, submitted in respect of the appeal. The Council does not explicitly state that it would have refused planning permission had it been in a position to determine the application, but instead refers to submissions by the Golden Valley Action Group's (GVAG) landscape consultant and the difference of opinion with those of the appellants' environmental planning and landscape design consultant and the Council's Senior Landscape officer. The Council indicates in that letter that the main consideration is the impact upon both the character and appearance of the countryside/landscape. I have therefore addressed that as the main issue for consideration, having regard to the submissions from all parties.
3. Whilst I have considered this appeal on its own merits based on all of the evidence before me, I have had regard to previous appeal decisions, Refs APP/W1850/W/16/3162464 and APP/W1850/W/15/3129896 for development on the site. Those appeals related respectively to, most recently, the erection of an agricultural building for free range egg production with associated feed bins and hardstanding; and 2No broiler rearing units with associated feed bins, hard standing and attenuation pond. Both were dismissed. Although different schemes to the current appeal proposal, those decisions are nevertheless a material consideration.
4. Having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Secretary of State has issued a screening

direction confirming that the proposal is not Environmental Impact Assessment development and so there is not a requirement to submit an environmental statement. I have determined the appeal on that basis.

### **Main Issue**

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### **Reasons**

#### *Main issue*

6. I have had regard to paragraph 109 of the National Planning Policy Framework (the Framework) which sets out that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
7. I note that the site is not located within an Area of Outstanding Natural Beauty and that it does not have any other formal landscape designation. However, it is located within an area described in the Natural England document entitled National Character Area profile: 99 - Black Mountains and Golden Valley (NCA 99) as having few settlements and relatively little new development or transport infrastructure. The local landscape clearly incorporates working farms and small clusters of dwellings, the nearest of which is that hamlet a short distance to the north-west of the site. However, outside of that cluster, the landscape is dominated and characterised by open fields, hedgerows and woodland and the steep sided valley slopes, with only scattered or small groups of buildings visible from surrounding public vantage points.
8. Due to those landscape characteristics, I agree with my colleague who determined the most recent previous appeal referred to above that the site lies within a key transitional zone between the upland plateau of the Black Mountains and the cultivated intimacy of lowland England as referred to in the NCA 99. As such, I also agree with my colleague that the area, despite not being formally designated, comprises a landscape that has physical attributes which take it out of the ordinary and should therefore be considered valued.
9. A key material consideration is whether the proposal has adequately addressed the concerns of my colleague in respect of that previous appeal scheme. I do not have the full details of that previous proposal. However, I note that its capacity would be reduced by 2,000 birds from the previously proposed 16,000, and that it would be shorter and no longer project at the end beyond the line of existing buildings. Its design would also be different to that previous proposal including: the intended use of Yorkshire boarding on its elevations, incorporating an open gap from ground level to a height of 800mm relating to the south-west elevation; the set back of the south-east elevation within the gable end; the concealment of ventilation fans; and provision of one less feed bin.
10. Despite those changes, it would still be significantly longer than any of those existing individual buildings in the adjacent group of farm buildings and would extend across a large proportion of the combined length of the south-western side of that group. Furthermore, it would be wider than the previous proposal. For these reasons, and due also to the proposed degree of separation from

those existing buildings, it would still substantially expand the built coverage of this group of farm buildings into the adjacent field.

11. Furthermore, although partially open on the south-western side, it would only be to a limited degree. The south-eastern end's opening would be more substantial in terms of comprising the entire area beneath the roof eaves, however the solid part of that end of the building would only be set back a fairly small amount. The proposed building would therefore still noticeably contrast in this respect with the considerably more open sided buildings immediately adjacent to it, albeit that there currently exists a more enclosed but smaller building in the north-east corner of the existing grouping. Furthermore, the proposal would have a higher ridgeline than the previous scheme, albeit still not as tall as the existing buildings. Despite the less industrial type design and elevation materials, the proposed changes to the previous scheme would therefore do little to materially lessen its massing effect.
12. For the above reasons, the proposal would have the effect of noticeably and substantially enlarging the overall massing of the existing group of buildings. Importantly, and whilst having regard to the appellants' Landscape and Visual Impact Appraisal (LVIA), that effect would be to an extent that would draw disproportionate attention to that group in the context of the generally more scattered or smaller groups of buildings in the area, outside of the settlements.
13. Whilst having regard to the appellants' submissions set out in their LVIA, I saw that that material extension to the existing group of buildings would be evident from various surrounding public vantage points, including from footpath DO1 higher up on the valley side to the north and from the vicinity of Scar Cottage on Scar Lane, from the B4348 road in the vicinity of the site access and the close approach from the west, and from more distant approaches on that road from the south-east. Seen from public vantage points to the west in the vicinity of the neighbouring hamlet, it would also be seen to a much more exposed extent than those existing buildings which are currently, to varying degrees partially screened or softened by trees immediately adjacent to them. From the Scar, particularly via a gateway access to the existing group of buildings, immediately to the north of the site, it would also be likely to be clearly seen through the gaps within and between existing buildings. The effect would also be seen to varying degrees over or via gaps in the hedge relating to the Spoon Lane path on the approach to the site from the east.
14. I acknowledge the proposals to plant additional trees and vegetation, including enhancing existing hedgerows. However, this could not be guaranteed to provide sufficient coverage, height and density, and less so with leaves off any deciduous vegetation in the winter, as to sufficiently screen or soften the proposal and thereby have an effective mitigation effect. Furthermore, any such planting could not be guaranteed to continue to provide such a function in the longer term in respect of its survival or on-going maintenance.
15. The appellant highlights that another existing large farm building has recently been constructed at Wilmaston Farm, Peterchurch. However, I do not have the full details of the circumstances and context relating to that development, and have in any case determined the appeal proposal on its own merits.

16. I also acknowledge that the Council's Landscape Officer raised no objections with regard to the current scheme. However, again, I have determined this appeal on its own merits based on all of the evidence submitted.
17. For the above reasons, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area comprising a valued landscape. As such it would be contrary to policies SS6, LD1, RA6, SD1 of the Herefordshire Local Plan Core Strategy and DNP ENV Policy 1 of the Dorstone Neighbourhood Plan which together, amongst other things, require development to conserve and enhance those environmental assets that contribute towards the county's distinctiveness; to demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection; and is of a scale which would be commensurate with its location and setting. It would also be contrary to paragraph 109 of the Framework.

*Other matters*

18. I acknowledge that the proposal would enable the appellants to diversify the business and that it is claimed this would be an essential requirement due to current struggles to make a profit, compliant with the aspect of the Framework which relates to supporting a prosperous rural economy. However, I have received insufficient substantive documentary evidence to demonstrate the extent to which the proposal would be necessary in terms of the ongoing financial viability of the business. I have therefore afforded only moderate weight to that factor.
19. I have had regard to the presence of the nearby Grade II listed buildings comprising Bage Court, Bage Pool, Barn and Cowhouse about 20 metres north-east of Bage Court, and Little Bage (the LBs). There is a need to give special attention to the desirability of preserving the setting of LBs. In this respect, I have had regard to the noticeable degree of separation between the LBs and proposed development across intervening fields. Those circumstances cause me to consider that the setting of the LBs would be preserved as a result of the proposed development. However, this does not deflect from my findings in respect of the main issue.

**Conclusion**

20. I have afforded moderate weight to the diversification benefits of the proposal. However, that would be insufficient to outweigh the unacceptable harm that would be caused to the character and appearance of the surrounding area.
21. Therefore, for the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR