



Appeal Decision

Site visit made on 3 September 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/W1850/W/19/3230037

The Barn, Prospect Field, Upper Dormington, Herefordshire HR1 4ED

- 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 Abbiss, Abbiss Drinks Company against the decision of Herefordshire Council.
 - The application Ref 174463, dated 10 November 2017, was refused by notice dated 3 December 2018.
 - The development proposed is described as: Retrospective application for retention of barn used by fruit processing business, the continued use of land for the siting of mobile home, and improvements to existing access including removal of part of hedgerow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A building ('the Barn') has already been constructed and a mobile home is also at the appeal site ('the Site'). The submitted drawings show these and include an access. Accordingly, for the purposes of my decision, I have relied on the submitted drawings and the development as it appears at the Site.

Main Issues

3. The main issues are the effects of the development on the character and appearance of the area; and, highway safety.

Reasons

Character and appearance

4. The land as edged blue on the location plan¹ is within the appellant's ownership and comprises a broadly rectangular field in the countryside, south-east of the village of Dormington. The Site is located within this field and forms a strip of land that runs along its north-east and south-east boundaries, to form an access and driveway leading to the area where the Barn and mobile home are located. Access to the Site and the field it forms part of is off an unclassified road (U77208) adjacent to the north-west boundary of the site.
5. According to the appellant the Barn is used in association with a fruit processing and bottling business which operates on a seasonal basis (mid-summer to late autumn) and the mobile home is occupied by employees of the

¹ Drawing No 001

business during the fruit picking season, when need arises for staff to be on site to manage the pasteurisers

6. The field is located within a transitional area of landscape at the edge of the Principal Settled Farmlands and Principal Wooded Hills character area, as identified by the Herefordshire Council Landscape Character Assessment Supplementary Planning Guidance (2004). Principal Wooded Hills is characterised by its steeply sloped topography and the retention of original field patterns. The field patterns are largely delineated with hedgerows. Together these give the area a distinctly rural and verdant appearance. The Site and the field it is within are broadly consistent with and contribute to this landscape character type.
7. Although, the settlement pattern for this landscape type is scattered, with farmsteads and wayside cottages, buildings and structures are generally located close to boundaries, and some are arranged in clusters. Consistent with these arrangements, the Barn and mobile home are close to the south-east boundary of the Site, near to an extant storage structure and the existing shared driveway, which is adjacent to the south-west boundary of the field and serves Prospect Barn as well as the appellant's business.
8. Both the mobile home and the Barn are simple in form. The Barn is typical of modern agricultural buildings which can be found in the area and is finished in dark green cladding, enabling it to assimilate with the backdrop of mature vegetation. The mobile home is a light colour, but due to its low-lying design and existing screening, it is hardly perceptible in the landscape outside of the immediate confines of the Site.
9. The submitted Landscape and Visual Report (LVR) considers the effects of the Barn in landscape and visual terms. Based on this and my visit, from nearby views including the U77208, and bridleway DR10A which is adjacent to the north-east boundary of the field, the Barn is largely screened by the intervening topography and existing landscaping around the field.
10. In medium distance views, visibility from the north of the site is reduced by the existing vegetation, including tree bands and orchards surrounding Dormington, and hedgerows that enclose the fields. The Barn is generally not visible from localised roads around Dormington, due to existing vegetation and built form.
11. The LVR acknowledges that there is some visibility of the site in more distant, elevated locations north of the river corridor. Nevertheless, in such distance views the Barn is not of sufficient size or volume to be perceptible against the scale of the wooded backdrop. Furthermore, the rising hillsides behind it combined with its form and appearance, diminish its presence as an element in the landscape, the photograph from the Council appears to illustrate this.
12. The creation of an earth bund north of the Barn, largely screens it from the neighbouring property Prospect Barn, a Grade II listed building. Moreover, overtime the proposed planting along the bund will strengthen this screening. I am therefore satisfied that the Barn and the mobile home do not harm the setting and significance of this designated heritage asset.
13. Turning to the other associated works, according to the appellant the proposal includes improvements to an existing access. Irrespective, in my assessment,

the scheme as proposed results in some hedge removal, a particularly wide access and appreciable alteration and engineering in levels to accommodate this and the driveway, this would also result in the creation of earthwork bunds.

14. Cumulatively, these other associated works would have a significant erosive and urbanising impact on the area. The impact of such works would be exacerbated by their sensitive location, in proximity of the access to bridleway DR10A. Further, on the evidence before me, it is not clear that the additional landscaping would sufficiently mitigate the impact of these works. In any event, this would take some time to establish.
15. For the above reasons, I conclude that the proposal would harm the character and appearance of the area. As such, I find conflict with Policies SS6 and LD1 of the Hertfordshire Local Plan - Core Strategy (CS), which amongst other matters require that landscape and townscape positively influence development and that developments conserve and enhance environmental assets including landscaping and the beauty of the landscape.

Highway safety

16. The U77208 is a single lane carriageway, which is predominantly enclosed by hedgerows and informal passing places are limited.
17. The Council is concerned that any increase in the amount of traffic, particularly commercial vehicles, would significantly increase hazards on the adjacent unclassified road and also at the junctions with the A438 and C1292 both of which have restricted visibility. Nonetheless, on the available evidence it has not been shown that the existing arrangements result in any adverse impact on highway safety.
18. Setting aside the traffic associated with the use of the Site, the volume of traffic using the U77208 does not appear to be substantial. The surrounding villages are small, and I would expect the level of traffic generated by trips to and from those settlements to be relatively limited.
19. Most deliveries/collections associated with the business use are undertaken via staff and customer vehicles. To demonstrate the existing level of vehicular activity the appellant has provided a traffic survey undertaken over two days in September 2018. This shows that a maximum of 4 vehicles entered and left the site on each of these days. Further, details of approximate vehicle movements for the 2017 season based on invoice records for the business have also been provided. In the absence of any contrary information, these confirm a low-level of vehicular activity associated with the business use. This would also support the appellant's assertion that a large number of clients are small scale fruit growers local to the site and that the business largely operates multiple deliveries and collections on single trips to save time and fuel.
20. Moreover, on the available evidence, vehicles used for the transportation of the fruit and fruit juice are largely four-wheel drive or estate cars with some using trailers. Less frequent deliveries of packaging goods are via 7.5 tonne capacity vans.

21. I acknowledge that without any controls, the permission could support an unrestricted Class B2 use², with potential implications for highway safety and the living conditions of neighbours. However, the use of the land and building could be controlled by a condition if the appeal were to succeed.
22. Despite, the Council's concerns over the potential escalation of vehicular activity at the Site, I have considered the development in light of the information presently available to me. Consequently, drawing on the foregoing reasons and my visit, the business is seasonal and when in operation, due to the modest scale of the Barn, the amount of fruit that can be processed at any one-time is limited. The vehicles associated with the business are predominantly non-commercial and vehicular movements are low. This combined with the absence of any significant highway safety issues in the area, lead me to conclude that the residual cumulative impacts of the development are not severe and there is no unacceptable impact on highway safety arising from the business use.
23. For the above reasons, the development does not harm highway safety and is therefore not in conflict with Policies SS4 and MT1 of the CS which amongst other matters seek to minimise the impact of traffic generated by new developments and ensure they can be safely accommodated within the highway network.

Other Matters

24. Given the low-level of vehicular activity associated with the business use and my findings on highway safety, I attach limited weight to the appellants argument that the proposed access arrangement would reduce noise and disturbance for neighbours, and improve highway safety, relative to the existing shared access arrangement. The business use supports the rural economy and employment for which there is local and national policy support. There is also some local support for the business. Nevertheless, given its seasonal nature and small scale, benefits arising from it are limited. Consequently, these factors do not outweigh the environmental harm I have identified.
25. The site lies within the catchment area for the River Lugg which comprises part of the River Wye Special Area of Conservation (SAC), a habitat recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for the aquatic flora and fauna it supports. At present the levels of phosphates in the River Lugg sub-catchment of the River Wye SAC exceed the water quality objectives and is therefore, in an unfavourable condition.
26. Whilst previously Natural England and the Council had considered that development that accorded with the Nutrient Management Plan (NMP) for the River Wye SAC, that aimed to reduce phosphate levels to below the target by 2027, might be acceptable, the position has changed in light of a more recent response from Natural England³. This suggests that where a designated European conservation site is failing its water quality objectives there is no, or very limited scope for the approval of development that may have additional

² As defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

³ Letter from Natural England dated 22 July 2019

damaging effects. Nonetheless, as I am dismissing the appeal for a different reason, I have taken no further action on this issue.

Conclusion

27. Although I have found that the development does not affect highway safety, this is outweighed by the harm to the character and appearance of the area. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR