



Appeal Decision

Site visit made on 17 December 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/D1265/W/19/3239064

Field south of Bredy Road, opposite Bredy Farm, Bridport, Dorset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by J Harris (J S Mallinson and Partners) against the decision of Dorset Council.
 - The application Ref WD/D/17/001698, dated 27 November 2017, was refused by notice dated 15 April 2019.
 - The development proposed is erection of L-shaped pole barn, and change of use of the field and barn from agricultural use to agricultural use plus occasional use for 3-day festival events during the summer months (during May to early September).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, West Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies set out within the West Dorset, Weymouth and Portland Local Plan (LP), which was adopted in 2015.
3. Notwithstanding the submitted application form, which does not include a complete address, I have adopted the address contained within the appeal form.
4. Whilst the description of development provided in the application form has been amended in subsequent documents, I understand that this was not formally agreed with the appellant, whose intention was to complete, rather than remove and replace the existing structure. I shall therefore have regard to the description of development as submitted to the Council. The proposed development is part retrospective and will be considered on this basis.

Application for costs

5. An application for costs was made by Graston Copse Holiday Park Ltd and Larkfield Caravan Park Ltd against Dorset Council and J Harris (J S Mallinson and Partners). This application is the subject of a separate Decision.

Main Issue

6. The main issue is whether the need for the appeal building is established to justify development in the countryside, with particular regard to the effect on the character and appearance of the surrounding area, including the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

7. The appeal building is a timber-built structure with a corrugated tin roof situated within a field enclosed by hedgerows and mature trees, which is largely surrounded by grazing pasture and small scattered woodland areas. Having regard to LP Policy SUS2, which sets out the settlement hierarchy for West Dorset, Weymouth and Portland, the site lies outside defined development boundaries. In such circumstances, Policy SUS2 states that development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, and only permitted in restricted cases. These notably include agriculture, forestry or horticulture or related enterprises such as farm diversification and equestrian development, but also new employment, tourism, educational/training, recreational or leisure-related development.
8. The appellant asserts that the barn is required to store forage and provide shelter for surplus livestock during the winter months. A storage area for machinery or a walk-in feeder would also be provided to the front of the barn. Furthermore, the building is intended to be used for a number of 3-day festival events during the summer months, which have been previously held in recent years.
9. The erection of buildings reasonably necessary for the purposes of agriculture is permitted by Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order). However, the appellant did not seek prior approval before beginning the construction of the appeal building, as required by the Order. Additionally, the permitted development rights afforded by the Order do not extend to the temporary use of the pole barn for events. The appellant therefore accepts that planning permission is required for the appeal development.
10. LP Policy ECON9 supports the construction of new agricultural buildings, provided that the development is necessary for the purposes of agriculture, and that there are no existing buildings on the unit which are capable of re-use. The supporting text to Policy ECON9 explains that the trend towards larger agricultural buildings with a more industrial appearance, can have a significant adverse effect on the local landscape character. Whilst it sets a number of strict criteria, I therefore consider that Policy ECON9 is in general conformity with the National Planning Policy Framework (the Framework).
11. The appellant has identified a need for an agricultural building within the appeal site, and has confirmed that there are currently no vacant farm buildings on the holding. The appellant's submissions refer to a 120 breeding ewe commercial sheep flock and the acquisition of a herd of 18 cattle, which she plans to expand. However, limited information has been provided to substantiate the agricultural need for the appeal building, as required by Policy ECON9, such as a business plan for the rural enterprise. On this basis, I

am not persuaded that the need for the appeal building has been adequately justified.

12. As noted above, the site lies within the Dorset AONB and the Bride Valley Landscape Character Area (LCA), which is identified by the West Dorset Design Guidelines - Landscape Character Assessment¹ as part of the Clay Valley Landscape type. The characteristics of the LCA notably include large arable fields defined by stone walls, with blocks of occasional broadleaved woodland, and mixed boundaries mainly consisting of dense hedgerows with hedgerow oak trees towards the valley floor and stone walls towards the coast. The clay valley floor has an intimate and tranquil character with a continuous patchwork of small regular pastures. Accordingly, the landscape is judged to have a 'strong' character.
13. The appellant's Landscape Appraisal² (LA) refers to the Council's interactive landscape map, which notes that there are relatively few intrusive features in the landscape with subtle transitions of landscape diversity. As described in the LA, the appeal development is set within a natural dip in the field contours. This has been accentuated by the formation of a bund to the north of the appeal building. I accept that the appellant has sought to minimise the visual impact of the development by siting the building in this location. The bund and the planting of trees provide some degree of screening, but the appeal building appears nevertheless as an intrusive and incongruous feature in the landscape, particularly from distant views, notably along Bredy Road.
14. The LA concludes that the long term visual effects and permanent landscape effects of the development are not considered to be substantially adverse, but this relies to a large extent on extensive mitigation planting, which would inevitably take time to mature. And I am not certain that such planting would successfully mitigate the negative visual effects of the development from more distant views. Additionally, it would further diminish the predominantly open nature of the site and its contribution to this sensitive landscape.
15. The appellant refers to the existence of fallback positions, particularly in respect of the permitted development rights afforded by the Order for temporary buildings and structures, but also uses of land. I have also had regard to the conditions which could be imposed if I was minded to allow the appeal, to mitigate the effect of the proposal, not only on the character and appearance of the area, but also on the living conditions of neighbouring occupiers. However, these considerations would not outweigh the harm caused by a building which would become a permanent feature within the AONB. I accept that the festivals may bring economic benefits and support the diversification of the enterprise, but this could equally be achieved by the use of temporary structures.
16. Having regard to the evidence before me, I am unable to establish with certainty that the appeal building, which causes unacceptable harm to the character and appearance of the surrounding area, is necessary for the purposes of agriculture. The development also fails to conserve and enhance the landscape and scenic beauty of the Dorset AONB to which I ascribe great weight, in accordance with paragraph 172 of the Framework. The appeal scheme therefore conflicts with LP Policies ENV1, ENV10, ECON8 and ECON9,

¹ February 2009.

² SPP/3109/doc.1, dated October 2019.

as well as the aims of objective C1 of the Dorset AONB Management Plan 2019-2024, which seeks to ensure that the AONB and its setting is conserved and enhanced by good planning and development.

Other Matters

17. Various concerns have been raised by interested parties, notably in respect of the effect of the proposal on the living conditions on local residents and visitors Graston Copse Holiday Park and Larkfield. The Council is satisfied that the noise issues associated with the festivals held on the appeal site could to some extent be covered under the licensing regime, and additional conditions have been suggested by the main parties to minimise disturbance to the wider surroundings. On the basis of the submitted information, there are no reasons for me to take a different view.

Conclusion

18. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR