



Appeal Decisions

Site visit made on 27 January 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2020.

APPEAL A

Appeal Ref: APP/D1265/W/19/3238468

Milton Farm Cottage, Milton On Stour SP8 5PX

- 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 & Mrs R Moore against the decision of Dorset Council.
 - The application Ref 2/2019/0304/FUL, dated 25 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is reduce excavation and the erection of an agricultural barn for the storage of machinery, implements and feed in connection with the landowners adjacent holding.
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APPEAL B

Appeal Ref: APP/D1265/W/19/3238471

Milton Farm Cottage, Milton On Stour SP8 5PX

- 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 & Mrs R Moore against the decision of Dorset Council.
 - The application Ref 2/2019/0387/FUL, dated 13 March 2019, was refused by notice dated 10 May 2019.
 - The development proposed is erect steel frame agricultural barn for the purpose of storing implements and feed.
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Decisions

1. The appeals are dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs R Moore against Dorset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the conservation area, and the effect on ecology.

Reasons

4. The appeal sites are located at the edge of the settlement of Milton On Stour. Whilst the appeal A building adjoins the conservation area boundary, both buildings would be outside the designation. However, given their proximity, they could affect the setting of this designated heritage asset.

5. From my own observations, the conservation area is defined by a relatively tight cluster of mainly stone buildings lining the village streets. There are some larger buildings that stand away from the road that broadly share the predominant pallet of materials giving a cohesive appearance. The settlement and its conservation area have a strong landscape setting, with numerous mature trees within and around the area. There is nothing to suggest that the significance of the area is not fundamentally linked to the organic historical development of the settlement and its resulting appearance.
6. A footpath leads away from the village street, alongside a stream. It passes through the Appeal A site and close to the Appeal B site. Looking back towards the settlement from this path, its landscape setting is clear. The buildings are largely recessive in the environment, with the trees dominating.
7. From the footpath, the Appeal B building would stand in the foreground, prominently exposed to the countryside. It would introduce built form that uncharacteristically dominated the view and harmed the setting of the conservation area. Given the relatively small scale of the building and its clear agricultural character, the harm to the significance of the conservation area would be less than substantial.
8. In respect of appeal B, the Council has alleged harm to the setting of The Old House. That listed building, along with the adjoining, separately listed The Old Dairy, is located at the edge of the settlement and is visible in views approaching along the footpath. There are also views out from The Old House and its grounds across the appeal site. Given the undeveloped nature of the appeal B site and its intrusion into the landscape, I find that there would be some, less than substantial, harm to the setting of the listed building and its significance as a large property at the edge of the settlement, with connections to the countryside.
9. Whilst limited, in accordance with Paragraph 193 of the National Planning Policy Framework (the Framework), the harm to the designated heritage assets must be given great weight. The proposal would result in some benefit to the appellant, but there would be no clear public benefits to weigh against this harm. Therefore, I find that it would conflict with Policies 5 and 24 of the North Dorset Local Plan Part 1, 2016 (LP) which seek to protect the significance of designated heritage assets and ensure that development is designed to improve the character and quality of the area in which it is located.
10. By contrast, the appeal A building, would be sited alongside the existing Milton Farm Cottage. Its overall height would be lower than the cottage and so, despite its width when facing the front elevation, would appear recessive to it. The application form indicates that it would be finished with stone, render and horizontal timber cladding under a clay tile roof, so it would reflect surrounding building materials. Although historic traditional farm buildings were often formed in groups, the proposal would sit close to Milton Farm Cottage and would not be a stand-alone building.
11. I observed that the appeal A site appears more closely related to Milton Farm Cottage than the rising open countryside beyond. From the village street and bridge, the building would be sufficiently recessed behind the front elevation of Milton Farm Cottage that the views to the surrounding countryside and general openness would not be harmed. Whilst the building would be close to the public right of way that passes through the site, it would clearly relate to the

existing built form of the settlement and would not be so large as to harm the outlook from the footpath or its connection to the countryside as it leaves the built up area.

12. For these reasons, I find that the appeal A scheme would preserve the character and appearance of the conservation area and, thereby, not harm its significance. Although the building would be within the setting of The Old House and adjacent barn, the Council's reason for refusal does not allege harm in that regard. Accordingly, I find no conflict with LP Policy 5. As noted above, the detailed wording of LP Policy 24 requires an improvement to an area's character and quality. However, the neutral effect that I have identified would result in no harmful conflict with that policy's overall aims of promoting good design and the integration of development into its surroundings.
13. There is no dispute that the sites are outside a defined settlement boundary and, thereby in the countryside. LP Policy 20 indicates that development would only be permitted where there is an overriding need for it to be located as such. The supporting text at LP Paragraph 8.188 indicates that overriding needs may exist for certain types of agriculture. To this end, the appellants have indicated a desire to establish a smallholding, keeping livestock on the adjoining land and also using other parcels of owned and rented land.
14. Local residents have heavily criticised the appellants' intentions suggesting that they do not currently work, and are not able to demonstrate any intent to work, in agriculture. I have been told that buildings have previously been requested with alternative future uses in mind, that previous agricultural activities at the site have been undertaken by other people, and that the appellants do not currently live at Milton Farm Cottage. There is concern that, if there is no demonstrable need for the building, then there could be future pressure for it to be converted to other uses. However, the proposal is for an agricultural building and I must assess it as such, on the basis of the available evidence.
15. I understand that the appellants' other land is some distance from the site and the condition of some parcels may not currently be suited to livestock grazing, hay making and the like. Furthermore, the amount of owned land stated does not appear to accord with the extent shown on the associated maps. However, there is no substantive evidence to discredit the appellants' stated future intentions.
16. Whilst the associated land is not large, and it may be possible to store some items outside, it would be reasonable to expect some storage capability to support the intended agricultural use. The appellants may well have other land available, but there is no clear reason why those sites would be preferably located to meet the stated agricultural needs. Given that the appeal A building is well related to other buildings, it would not harm the countryside. Therefore, I find that there is sufficient justification in terms of future intent to avoid a conflict with LP Policy 20.

Ecology

17. Following the submission of a new biodiversity report in respect of the appeal B site and one prepared in connection with a previous application at the appeal A site, the Council has confirmed in its appeal statement that the ecology reasons for refusal in respect of both appeals are no longer in contention.

18. There is no reason for me to dispute the findings of the survey in respect of appeal B, which found that no notable species or suitable habitats were present. However, the survey in respect of appeal A was conducted in September 2018. Whilst its recommendations suggest that re-survey should take place after 2 years, the description of the site does not appear to reflect current conditions. In particular, the site is described as being bare earth and subject to the continuous presence of heavy machinery.
19. I have a further report from another ecologist¹ who visited the site around one month ago. That report indicates a likelihood of Great Crested Newts being present in the area and that the condition of the site now is likely to provide suitable habitat. The report also raises concerns about the robustness of the appellants' survey in respect of other species.
20. The appellants have had the opportunity to respond to the representations made and have not done so. Notwithstanding the Council's acceptance in respect of this issue, on the basis of the most up to date ecological evidence, I cannot be certain that protected species would not be present at the site. In the absence of up to date detailed survey information, therefore, I am unable to conclude that no harm would arise. As such, the proposal would be in conflict with LP Policy 4 that seeks to secure appropriate protection for species following a suitable assessment of impact.

Conclusions

21. The appeal B proposal would cause harm to the setting of the conservation area, the Old House, and their associated significance that would not be outweighed by any public benefits. The appeal fails for this reason. Whilst such harm would not arise in respect of appeal A, in accordance with Framework Paragraph 175, my findings in respect of ecology are determinative in that case.
22. For these reasons, I conclude that both appeals should be dismissed.

M Bale

INSPECTOR

¹ Darwin Ecology (2020) Darwin Ecology Ltd. Update response to Ecological Works undertaken at Milton Farm Cottage, Gillingham, SP8 5PX, appended to representation of C Montanaro.