



Appeal Decision

Site visit made on 27 January 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2020

Appeal Ref: APP/Q3305/W/19/3240251

Worthy Farm, Worthy Lane, Pilton, Shepton Mallet, BA4 4BY

- 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 Worthy Farm Ltd against the decision of Mendip District Council.
 - The application Ref 2018/2842/FUL, dated 12 November 2018, was refused by notice dated 20 June 2019.
 - The development proposed is erection of an agricultural building for cattle housing and feed store.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building for cattle housing and feed store on land at Worthy Farm, Worthy Lane, Pilton, Shepton Mallet BA4 4BY in accordance with the terms of the application, Ref 2018/2842/FUL, dated 12 November 2018 and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. This decision relates to the following drawings: PL3994/1C, PL3994/2C, PL3994/3C, PL3994/4C, PL3994/5C all received 12.11.2018; and PL3994/2 submitted on 02.11.2019.
 3. No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
 4. The development shall only be carried out in accordance with the approved Surface Water Drainage Strategy as shown on PL 3994/6 and PL 3994/7 dated January 2019.
 5. No development shall commence until all soft landscape works have been carried out in accordance with PL3994/2 submitted on 02.11.2019. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Main Issue

2. The main issue is:

- the effect upon the character and appearance of the countryside.

Reasons

3. The appeal site comprises an open field, which forms part of Worthy Farm, with the main farm complex being located to the south. Immediately to the west of the site is a farm track, providing access to the fields to the north. Access to the site is directly from Pylle Road via an existing field gate. The appeal site is relatively flat, however the topography of the surrounding area is generally more undulating, with land to the north raising upwards and land to the south falling towards the valley. To the south and east, the appeal site is surrounded by established hedgerows which are interspersed with trees. The character of the surrounding area is therefore essentially defined by the agricultural land uses and practices that occur on and around the appeal site.
4. The proposal is for the erection of an agricultural barn to support the on-going operations of Worthy Farm. The appearance of the building is that of a dutch style barn, similar to other barns on the wider farm.
5. The proposal is located away from the main farm complex itself and would introduce an agricultural building into a currently undeveloped part of the landscape. The barn would be visible within the landscape but the design of the building matches that of other developments on the farm and is of an appearance generally associated with the countryside and agricultural practices. Furthermore, there are existing hedgerows which would filter some views of it and additional landscaping is proposed around the building.
6. Evidence has been submitted which provides a justification that, for a variety of reasons mainly associated with the temporary Festival activities that take place on the wider farm, and the topography of the area, there are no other suitable locations within the Worthy Farm site where the new barn could be located. Whilst the justification for the location of the building may not be wholly related to agricultural issues, there would appear to be a unique set of circumstances which would apply in this instance. On balance, I therefore consider that in this instance, there is sufficient evidence to justify the choice of the location for the proposed building.
7. On the basis of the above, I therefore conclude that the proposed development would not harm the overall character and appearance of the area and, in this respect, accords with Policies DP1 (Local Identity and Distinctiveness) and DP7 (Design and Amenity of New Development) of the Mendip District Local Plan 2006-2029 and Chapter 15 of the National Planning Policy Framework.

Other Matters

8. Concerns about the overall need for the development have been raised, however there is no evidence from either of the main parties to suggest that there is any question over the need for the proposal. Whilst I have reviewed the information submitted, I do not consider it to be sufficient to justify the withholding of planning permission on these grounds.

9. Concerns have also been raised with regards to the potential for the development to become used for alternative uses, possibly in connection with temporary Festival activities. I note the description of development is specific with regards to the intended use of the building and deviation from an agricultural use would be subject of further planning control.
10. From my site visit, I noted that proposed access and parking arrangements would be satisfactory and there is no evidence that highway safety would be compromised. It follows that, whilst I acknowledge the concerns of a number of local residents, I have no technical evidence to substantiate this. I also note resident's comments that the site is used for festival parking, but even if this is the case, such parking is temporary. Furthermore, there is no specific objection from the Local Highway Authority. Therefore, I find that the development would not materially harm highway safety.
11. My attention has also been drawn to the potential impact of the proposal upon surrounding wildlife and flooding and drainage issues. I noted during my site visit that the land is currently in active agricultural use and that the location of the proposed building is set away from the surrounding hedgerows. There is no evidence that the proposal would lead to any adverse impact upon the environment, other than those considered as a main issue. Therefore, whilst I acknowledge the concerns raised, I do not consider that the appeal should fail on these grounds.

Conditions

12. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. In addition to the standard implementation conditions, and compliance with approved plans conditions, it is necessary to impose a condition relating to the approval of materials and the implementation of submitted drainage details. Given that these have been acknowledged by the parties and confirmed in the Council's officer report, means that these conditions would not come as a surprise to the appellant or the Council.

Conclusion

13. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR