
Appeal Decision

Site visit made on 26 May 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/W3330/W/20/3246056

Land at Cruwys's Cross, Langley Marsh, Wiveliscombe, Somerset, Grid Ref Easting: 307860 Grid Ref Northing: 129096

- 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 Darren Smith against the decision of Somerset West and Taunton Council.
 - The application Ref 49/19/0052, dated 16 September 2019, was refused by notice dated 14 November 2019.
 - The development proposed is described as the erection of a general purpose agricultural building for the storage of agricultural machinery and preserved fodder.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a general purpose agricultural building for the storage of agricultural machinery and preserved fodder at Land at Cruwys's Cross, Langley Marsh, Wiveliscombe, Somerset, in accordance with the terms of the application, Ref: 49/19/0052, dated 16 September 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. There are discrepancies between the appeal site address and descriptions of development on the Council's decision notice and the original application form and appeal form submitted by the Appellant. For consistency, I have used the address and description of development from the Appellant's appeal form in the banner at the top of this decision letter.

Main Issue

3. The main issue in this appeal is whether the proposal would constitute an appropriate form of development with particular regard to the provisions of local policy in respect of the location of the development and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a parcel of sloping agricultural land located adjacent to Cruwys's Cross. The appeal site is not located within any settlement boundary and, by reason of the high hedges, narrow lanes and predominately open nature of the surrounding landscape, is located within the countryside for planning purposes. The evidence before me indicates that the appeal site extends to approximately 1.6 acres (0.65 hectares) in area.

5. Policy DM2 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (the Core Strategy) seeks to control development within the countryside, setting out those forms of development that would be considered appropriate outside of settlement boundaries. The supporting text to Policy DM2 of the Core Strategy explains that the restrictions are in place to protect and enhance the quality of local landscapes whilst promoting sustainable patterns of development and allowing for economic growth and diversification.
6. Criterion 4 of DM2 of the Core Strategy provides that new agricultural buildings which are commensurate with the role and function of the relevant agricultural unit will be supported. There does not appear to be any disagreement between the main parties that the land comprises a separate, albeit modestly sized, agricultural unit. However, it has been put to me by the Council that, the scale of the proposed building would not be compatible, and therefore commensurate, with the size of the agricultural unit.
7. The Appellants' submissions indicate that the building would be required for the storage of hay and machinery used for the production of the hay crop as well as for maintenance of the agricultural unit. In this regard, the Appellants maintain that the machinery would be of a small scale that is appropriate for smaller agricultural holdings and that the unit would produce approximately 316 hay bales annually.
8. A block plan has been provided by the Appellants which indicates that the proposed building would provide just enough floorspace for the siting of the machinery, equipment and hay bales, whilst allowing for some limited space in order to provide access to the various pieces of equipment and to allow access for maintenance of the machinery. The height of the barn is not unusual given the proposed use of the structure and in the context of similar agricultural buildings in the local area.
9. Whilst I acknowledge the concerns of interested parties that the number of hay bales that the unit could produce annually has been overestimated, I have not been provided with any substantive evidence which brings into doubt the details provided by the Appellant. It is further noted that the Council have raised no concerns regarding the estimated level of hay that could be produced annually from the unit, nor any concerns that the equipment that is to be stored on site is not appropriate for the size and agricultural use of the holding.
10. In light of the above, it has been demonstrated that the proposed building would be commensurate with the role and function of the agricultural unit and therefore the proposal would accord with the exception to new development in the countryside as provided for under criterion 4 of Policy DM2 of the Core Strategy.
11. Policy CP8 of the Core Strategy deals with the environment and provides that, amongst other things, unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. It also provides that development within such areas will be strictly controlled in order to preserve the environmental assets and open character of the area but provides that where development outside such boundaries takes place, it must comply with other criteria.
12. The criteria included under Policy CP8 of the Core Strategy provide that the proposal must accord with local and national policy for development within

rural areas and be appropriate in terms of scale, siting and design. For the reasons given above, I have already concluded that the proposal would be commensurate with the role and function of the agricultural unit and would accord with the provisions of Policy DM2 of the Core Strategy and would therefore be of an appropriate scale. The siting of the proposed building would be in the north eastern corner of the field and close to the point of access, thereby retaining the predominately open nature of the associated land and, consequently, would therefore be appropriately sited within the appeal site.

13. Furthermore, whilst the proposal could be seen from the adjacent highways and from within the wider surrounding landscape, the proposed building would have the appearance of an agricultural barn and would be typical of modern agricultural buildings which are part and parcel of a working farmed landscape and which do not appear out of place within its surroundings. Through careful consideration of the external materials to be used in the construction of the proposal and by including appropriate landscaping measures, in my view, the appeal scheme would be appropriate in terms of design and would not be harmful to the surrounding landscape character.
14. In addition to the above, by reason of its appearance as a typical modern agricultural barn, the proposal would not diminish the open agricultural gap that exists between Langley and Langley Marsh and would therefore conserve the surrounding landscape character. There is no evidence before me that the proposal would increase the risk of flooding or would be harmful in terms of impact on protected species or habitats.
15. In summary of the above, I have found that the proposal would be commensurate with the role and function of the agricultural unit and would conserve the landscape character and appearance of the surrounding area. The appeal scheme would therefore accord with the provisions of Policies DM2 and CP8 of the Core Strategy which together, amongst other things, seek to strictly control development outside of settlement boundaries in order to conserve the environmental assets and the open character of the area, including maintaining the open breaks between settlements.

Other Matters

16. I have had regard to the presence of the nearby Grade II listed building at Cruwys Farmhouse and the need to give special attention to the desirability of preserving the setting of listed buildings. In this respect, I consider that the degree of separation between the listed building and proposed development is sufficient that no harm to the significance or setting of the heritage asset would arise.
17. Interested parties have put it to me that the appeal scheme would also have an adverse impact in terms of highway safety, would result in the loss of important hedgerow and that the building would not be used for agricultural purposes.
18. In respect of the use of the proposed building, a condition could be attached to any planning permission which required that the use of the building be restricted to agricultural only and, in the event that the building was not used for such a purpose then that would be a matter for enforcement. Furthermore, it is noted that the site is currently in agricultural use and, as I observed on my site visit, the lane adjacent to the appeal site was already used by agricultural

traffic. The proposal would not significantly increase the level of use of the lane and in the absence of any concerns from the Highway Authority, I conclude that the proposal would not have an adverse effect on highway safety.

19. Finally in relation to the above, whilst I acknowledge the comments and concerns of interested parties with regards to the loss of hedgerow, the evidence before me indicates that access to the site was already in place and that the proposal does not seek to remove any of the hedgerow which is to be found at the appeal site. I therefore do not consider that the proposal would have a harmful effect in respect of these matters.

Conditions

20. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. I further find it reasonable to include conditions requiring details of any landscaping, external finish and materials, be agreed with the Local Planning Authority, in the interests preserving the character and appearance of the surrounding area. Furthermore, and also in the interest of preserving the character and appearance of the surrounding area, it is reasonable to include a condition that restricts the use of the proposed building to agricultural use.
21. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance. The wording of the pre-commencement conditions has been agreed by the Appellants.

Conclusions

22. For the reasons given above, the appeal succeeds and planning permission granted subject to conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: 001 – Location Plan, 002 – Site Plan, 003 – Elevation Drawings, 004 – Floor & Roof Plan and 005 – Block Plan, received by the Local Planning Authority 19 September 2019.
- 3) Prior to the agricultural building hereby approved being erected on site details of the external appearance and materials, including the final colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.
- 4) The building hereby permitted shall only be used for purposes of agriculture in connection with the associated agricultural unit and for no other purpose.
- 5) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide written specifications including:
 - Details of all existing trees and hedgerows on the land (including boundaries), showing any to be retained and measures for their protection to be used in the course of development
 - Full schedule of plants
 - Details of the mix, size, distribution and density of all trees/shrubs/hedges

All planting or seeding comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species as those originally planted.