
Appeal Decision

Site visit made on 18 September 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 06 October 2020

Appeal Ref: APP/D1265/W/20/3251848

Lower Eype Farmhouse, Eype, Bridport, Dorset DT6 6AW

- 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 Wulstan Reeve against the decision of Dorset Council.
 - The application Ref WD/D/19/002994, dated 4 November 2019, was refused by notice dated 7 April 2020.
 - The development proposed is to erect agricultural barn for housing livestock, fodder, bedding and machinery.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the appeal the appellants submitted amended plans showing the proposed barn in a different location within the appeal site. The Planning Inspectorate's Procedural Guidance: Planning Appeals – England makes it clear that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought¹. The proposed amendments would materially alter the nature of the application, including the introduction of engineering operations to alter ground levels, which did not form part of the original application. Interested parties have not had the opportunity to be consulted on the changes, and as such, would potentially be prejudiced if I were to accept those plans. I have therefore considered the appeal on the basis of the plans that were before the Council at the time of its decision.

Main Issues

3. The main issues are whether the proposed development is necessary for the purposes of agriculture; and the effect of the proposed development on the character and appearance of the area, the Dorset Area of Outstanding Natural Beauty (AONB) and the significance of the Eype Conservation Area (CA).

Reasons

Whether necessary for the purposes of agriculture

4. The appeal site is outside of the Defined Development Boundary (DBB) of any settlement. Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) provides that outside DBBs, development will be strictly controlled, having particular regard to the need for the protection of the countryside and

¹ Paragraph M.2.1

environmental constraints, and will be restricted to specified types of development, including agriculture.

5. LP Policy ECON9 permits new agricultural buildings where the development is necessary for the purposes of agriculture on the unit or locally where facilities are to be shared, and there are no existing buildings on the unit which are capable of re-use. It goes on to require that the scale, siting, design and external appearance of the buildings should be designed to minimise adverse impact on the landscape character and residential amenity. The wording of Policy ECON9 does not require that new agricultural buildings must relate to a business or be of any particular scale, or that any associated agricultural business must be profitable.
6. The appellants' land holding includes the appeal site and neighbouring land, and totals approximately 10.5 acres. The proposed building would be used to store hay grown and cut from the land, which would then be sold over the winter, and to store the associated equipment and machinery. The appellants have also submitted a 'roadmap' for the next five years, which includes proposals to keep a small flock of sheep and breed lambs, with the proposed building used to house the sheep in poor weather, during lambing and when sick or injured, and to store straw for their bedding. They also propose to produce cider, apple juice and related products through re-establishing a historic orchard, however these activities are not relied upon to justify the proposed building.
7. The evidence before me suggests that the appellants' initial estimate of hay production of approximately 850 bales was rather conservative, with the equivalent of 1,550 small bales produced in 2019 and the first hay cut of 2020 yielding the equivalent of 1,952 small bales, with a further 750 bales estimated from the second cut. Given the exposed position of the site so close to the coast, it would be undesirable to store large amounts of hay outside, even covered, due to the potential for losses as a result of adverse weather conditions. The appellants' evidence indicates that this has already occurred with previous years' hay. As such, it is not unreasonable to want permanent covered storage. The proposed building would have 4 bays, each of which would be able to store 500 to 750 small bales of hay. Therefore, even at the lower end of the estimates approximately half of the building would be used to store hay, and a better crop, such as this year's, would utilise considerably more of the building.
8. Although use of agricultural contractors for cutting and baling the hay and maintaining the land is an option, their availability could result in delays in undertaking essential tasks, with consequent impacts on the quality and saleability of the hay crop. In these circumstances, I consider it reasonable that the appellants may wish to have some machinery of their own, which would need to be stored.
9. The exposed location of the appellants land would also make it desirable to have some covered space for livestock over winter, with consequent welfare benefits. The Council and other parties have raised doubts about the amount of grazing available for sheep, however the 10.5 acres available would appear to be sufficient for a small flock of sheep, and even the 10 to 20 sheep which the Council estimates could be grazed on the land would be likely to occupy at least one bay's worth of space in the barn over winter.
10. Due to the seasonal nature of the existing and proposed agricultural activities, the use of the proposed building would be likely to vary through the year, with more use for hay storage in summer and more space used to house livestock and store straw over winter, when hay stocks would be decreasing. As such, there might be some periods when the proposed building was not fully utilised and others when its

capacity was exceeded. Overall, however, although the appellants' existing and proposed agricultural activities would be relatively small scale, I consider that they would result in a balance of uses which justify the volume of storage space proposed. I have not been made aware of any other building or buildings that could serve these purposes.

11. The Council has referred me to a previous appeal² at Bredy Road, Bridport where the Inspector concluded that limited information had been provided to substantiate the agricultural need for the appeal building, such as a business plan for the rural enterprise. Based on the evidence before me I do not consider that this is the case with this appeal, where I have the appellants' 'roadmap' and an agricultural appraisal. As such, it is not directly comparable to the Bredy Road scheme, to which I attach very little weight.
12. Consequently, having regard to the totality of the evidence before me I conclude that the proposed building would be necessary for the purposes of agriculture. As there are no other buildings capable of re-use, the proposal would therefore comply with the first part of Policy ECON9.

Character and appearance, AONB

13. LP Policy ENV1 seeks to protect the plan area's exceptional landscapes and seascapes, taking into account the objectives of the Dorset AONB Management Plan (AONB MP), and sets out that development which would harm the character, special qualities or natural beauty of the AONB or Heritage Coast will not be permitted. Objective C1a) of the AONB MP supports development that conserves and enhances the AONB, ensuring sensitive siting and design that respects local character. Where development does not achieve this, it will be supported only if it is necessary and in the public interest. Objective C1f) sets out that the AONB's coast will be conserved and enhanced and significant weight will be given to maintaining its undeveloped and tranquil nature. Paragraph 172 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs.
14. The appeal site is within the Chideock Hills Landscape Character Area (LCA) and the Wooded Hills Landscape Character Type (LCT). Key characteristics of the LCA include open hill tops of greensand summits; conical hills with deep, branching clay valleys; deep, narrow winding lanes with hedge banks; scattered clustered settlements along valley bottoms; and an exceptional, dramatic and remote coastline of imposing summits, coastal landforms and sheltered valleys, providing sweeping panoramic views. The AONB MP identifies the landscape as having a strong character and a moderate and stable condition. While there are some large and prominent tourism developments in the area, it nevertheless retains a highly attractive scenic quality and a distinctive sense of place.
15. The site is surrounded by fields and forms part of the ridgeline above the village of Eype, which is set within a valley. The site is clearly visible from the South West Coast Path (SWCP) and from a public footpath in the adjacent field through gaps in the existing hedge. Although hedges mean it is generally screened from view from Mount Lane, the existing field access provides a framed view across the site towards Colmer's Hill, a conical hill topped by a group of trees, which is a distinctive landmark and a characteristic feature of this area.
16. There is no development visible along the section of the ridgeline between Higher Eype and St Peter's Church, a distinctive and isolated building approximately 200m

² APP/D1265/W/19/3239064

to the south-east of the site. The caravans of Highlands End are a prominent feature in the landscape further along towards the coast, however because of this intrusive tourism development, the remaining open, undeveloped sections of ridgeline make a significant, positive contribution to the character and appearance of the area and the AONB.

17. Due to its orientation, scale and siting close to the top of the ridge, the proposed building would be clearly visible in open views from the SWCP along this otherwise undeveloped stretch of the ridgeline. From the part of the SWCP close to Eype Mouth, it would be seen on the skyline, while from rising ground towards Thorncombe Beacon it would appear in the foreground of extensive views of the countryside, towards Bridport in the distance. Because it would be seen 'front on' in such views, the proposed landscaping either side and the use of natural materials and a dark roof would do little to reduce the perceived scale of the proposed building. Consequently, it would appear as a prominent and isolated feature in views inland from the SWCP and would detract from the open character of this sensitive hillside location.
18. From the field access and adjacent footpath, the proposed landscaping would provide some screening of the proposed building. Small copses and dense hedges are not uncommon in the surrounding area, and there are other modern agricultural barns in the landscape, including around Higher Eype, Robins Well and Downhouse Farm. However, these are seen as part of clusters of buildings against the backdrop of rising land and woodland. In contrast, the proposed building and planting together would create a large and isolated feature which would detract from views towards Colmer's Hill from the access, and towards the coast from the footpath. As such, the proposal would be a visual detractor in the landscape from these public viewpoints.
19. Accordingly, although designed to meet the needs of the land on which it is sited, the proposal would not conserve or enhance local character or the undeveloped nature of this part of the AONB. Due to the topography of the area, the visual and landscape impacts of the proposal would be localised, however they would include public rights of way from which the AONB and the wider area are experienced and enjoyed. Therefore, given the sensitivity of the landscape and the impacts from public viewpoints, the proposal would result in modest adverse visual and landscape effects. Given the steeply sloping ground and the wide views towards the site, it has not been demonstrated that further landscaping, in addition to that already proposed, could mitigate these impacts to an acceptable degree.
20. I recognise that the proposed siting would not require much alteration of ground levels and would enable access to be provided along the hedgeline, however it has not been demonstrated that the proposed building needs to be in that location to be used for the purposes for which it was designed. Nor has it been shown that an alternative siting would cause security issues, require a potentially visually intrusive access track or harm the living conditions of neighbours, as the appellants suggest, particularly given that they have offered an alternative which would not appear to have such impacts. There is therefore no substantive evidence before me that the need for storage could not be met in another, less harmful way.
21. The proposal would help a rural business to become established and grow, as supported by Framework paragraph 83. The application form submitted suggests that the proposal would generate 1 full time and 2 part time jobs, however it is unclear whether these would result from the proposed building or the agricultural activities on the land, which might take place even without this proposal and as such I afford this very limited weight.

22. Although the appellants refer to a potential loss of revenue due to their inability to store hay on site, there is no substantive evidence before me that this has resulted in significant financial impacts to date and would be likely to affect the viability of the business. Furthermore, while minimising the cost of construction would be likely to assist profitability, it has not been demonstrated that a higher cost would prevent the business from operating successfully, albeit that cost recovery is likely to take longer. Therefore, there is no compelling evidence before me that the land would not continue to be well managed without the proposed building.
23. Consequently, the proposal would harm the character and appearance of the area and the landscape and scenic beauty of the AONB. It would therefore conflict with the requirements of LP Policies ENV1, ENV10, ENV12 and the second part of ECON9 which, amongst other things, require development be located and designed to respect landscape character and contribute positively to the maintenance and enhancement of local identity and distinctiveness. Furthermore, it would conflict with Policy L1 of the Bridport Area Neighbourhood Plan 2020 which requires proposals to preserve and enhance the natural beauty of the AONB, and with Objective C1f) of the AONB MP. While I have found that the proposed building would be necessary for the purposes of agriculture, there is no compelling evidence before me to demonstrate that it would also be in the public interest. As such, the proposal would not benefit from the support in AONB MP Objective C1a).
24. Accordingly, although the extent of the impacts would be modest, given the great weight afforded to such matters by the Framework, I afford the harm to the character and appearance of the area and the AONB significant weight.
25. The appeal site is not within the defined Heritage Coast and is within another designated area, and as such paragraph 173 of the National Planning Policy Framework (the Framework) does not apply. However, this does not weigh in favour of the proposal.

Eype Conservation Area

26. The Framework sets out that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
27. The CA is centred around the village and extends outwards to include St Peter's Church and the section of Mount Lane up to Broad Lane. The CA derives considerable significance from the historic pattern of development in the valley, the tight-knit clusters of properties arranged along the lanes, and the single road in and out, which is a deep, narrow lane characteristic of those in the area. St Peter's Church is a substantial building in a prominent, isolated location on the ridge, overlooking the village. Its scale and siting mean it can be seen from a considerable distance, and due to its architecture, position and function, it makes a significant positive contribution to the significance of the CA. The remote, exposed and largely undeveloped rural character of the steep hillsides around the village contribute positively to the setting of the CA.
28. Although the proposed building would be largely screened in views from the church, due to its scale and siting, it would be a prominent feature on the ridgeline and would detract from the undeveloped hillside backdrop to the CA. As an isolated building set apart from other development, it would draw the eye from the church and would start to compete with its dominance on the ridgeline. Consequently, the

proposal would adversely affect parts of the setting of the CA which contribute to its significance. While existing large tourism developments to some degree already affect the setting, this does not justify introducing further harmful development. Accordingly, the proposal would result in less than substantial harm to the significance of the CA as a whole, and having regard to the Framework, I afford this harm significant weight.

29. The Framework and LP Policy ENV4 require that less than substantial harm be weighed against the public benefits of the proposal. Policy ENV4 also requires consideration to be given to whether it has been demonstrated that all reasonable attempts have been made to mitigate the extent of the harm to the significance of the asset. For the reasons set out above, the proposal would result in some public benefits through the establishment of a rural business and consequent support for the economy. However, due to the small scale of the business these would be very limited, and would not outweigh the harm to the significance of the CA.
30. Furthermore, for the reasons set out above it has not been demonstrated that the design and siting of the proposal would minimise its impacts in the landscape or the setting of the CA. Accordingly, the proposal would conflict with Policy ENV4 and the provisions of the Framework.

Other Matters

31. Lower Eype Farmhouse is a Grade II listed building located at the bottom of the appellants' land holding, below the appeal site. Due to the separation distance and intervening trees and vegetation between the farmhouse and the appeal site, the proposal would not adversely affect the setting of the listed building or any features of special architectural or historic interest which it possesses. This is however a neutral impact and does not outweigh the harm I have identified.
32. I note the appellants' concerns regarding the amount of local objection to the proposal, and the support from the Parish Council and some interested parties. However, having had regard to the totality of the evidence before me, I have found that it would harm the character and appearance of the area and the AONB, and the setting, and thereby significance, of the CA. Although it would be unlikely to have significant adverse impacts on highway safety, the living conditions of neighbours, biodiversity or flood risk, these are neutral factors which do not weigh in favour of the scheme.

Conclusion

33. Overall, having regard to the provisions of the Framework, the need for storage and the very limited benefits of the proposal would not outweigh the harm I have identified. There are therefore no material considerations that would justify granting planning permission contrary to the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR