



Appeal Decision

Site visit made on 28 September 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/D0121/W/20/3257039

Land south of Purn Road, Blackstones Farm, Bleadon, Weston-Super-Mare.

- 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 Simon Warburton against the decision of North Somerset Council.
 - The application Ref 19/P/2550/FUL, dated 11 October 2019, was refused by notice dated 12 February 2020.
 - The development proposed is a storage barn - livestock housing, feed store and machinery store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area,
 - the living conditions of local residents, with particular regard to any noise and odour impacts, and
 - biodiversity.

Reasons

Character and appearance

3. The farm holding is mainly located on a fairly steeply sloping hillside. It includes two areas of connected grazing land, broadly either side of the woodland, with agricultural buildings at the base of the hill. The North Somerset Council Landscape Character Assessment – Supplementary Planning Guidance September 2018 (the LCA) identifies the site within the “Area E1 Mendip Ridges and Combes” and explains that this is an extensive series of limestone ridges running from east to west across the southern end of the District.
4. The Landscape Strategy in the LCA for the Mendip Ridges and Combes Character Area includes to conserve the peaceful, rural landscape with its semi-natural and ancient woodlands, open high pasture and ecologically rich grassland and heath.
5. The site is part of a wider field area that displays many of the positive features of the Character Area. The upper section of the holding is mainly open

grassland, with an adjoining section of woodland subject to a Tree Preservation Order. There are extensive views out across the lowland below. There are few buildings along this adjoining swathe of sloping grassland and woodland, although the residential properties along the ridge are prominent.

6. The proposed building would be mainly screened by the woodland from the general south and east directions. However, while not predominantly public views, the barn would be open to views from parts of the extensive lowland countryside very broadly to the west. The barn would also be highly visible from some of the properties located further up the slope.
7. From these locations the reasonably sized barn would be seen in the immediate context of the largely rural surroundings. It would be located up the slope, away from the edge of the woodland and within an open part of the field. On this elevated part of the hill side the barn would be conspicuous, notwithstanding the nearby woodland, and its presence would erode part of the distinctive, unspoilt and undeveloped character of this field. In this way, it would appear as sporadic development in the countryside and would diminish some of the characteristic and positive features that the field contributes to the Character Area. It follows that the impact of the barn would be contrary to the National Planning Policy Framework (the Framework) policy to recognise the intrinsic character and beauty of the countryside.
8. The barn would be accessed by a new and quite a long access track. The details of construction of the track would minimise its visual impact, however, in all likelihood the track would still be apparent on the ground. A section of the track would run across an open part of the field and this section, in particular, would be seen from the adjoining housing and some parts of the wider landscape as a linear feature unrelated to any physical boundary or the woodland. Visually the track would appear as an incursion into an open part of the field and detract from the present grassland appearance of the hillside. As a consequence, the track would add to the landscape harm that would be caused by the barn itself.
9. The evidence indicates that the appellant has examined various options for the siting of the barn and considers that the chosen location is the best available causing minimal, if any, landscape impact. I also appreciate that the building would be designed as a typical barn and such buildings are often seen in the countryside. Nevertheless, for the reasons explained, the barn with the associated track would not be sensitively sited and would cause the identified harm.
10. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area. Consequently, it would not comply with Policies CS5 and CS12 of the North Somerset Council Core Strategy (January 2017) (the Core Strategy), Policies DM10, DM32 and DM51 of the North Somerset Council Development Management Policies - Sites and Policies Plan – Part 1 (July 2016) (the DMP) and the LCA which seek, amongst other things, that the siting of agricultural buildings respect the rural setting and do not harm the character of the landscape.

Living conditions

11. The barn would be used to house livestock, feed and storage. The information indicates that a straw bedding system would be used for the livestock and

- therefore there would be no slurry. The straw bedding would subsequently be spread on the land instead of fertiliser.
12. The barn would be some distance down the field from the adjoining dwellings and it is explained that the cattle would be in the field, and potentially in proximity to the immediate rear of the dwellings, as a matter of farming practice on the holding in any case.
 13. I am not persuaded that the 400m limitation used to determine agricultural permitted development rights should be determinative as to acceptability for the positioning of the barn in relation to the housing in this case. Nevertheless, I am conscious of the advice from the Council's Environmental Protection Officer that, in summary, it is said that the prevailing winds are from the west/southwest which would blow noise and the odours from the proposed farm building straight to the houses in Purn Road and this would be unacceptable.
 14. The proposal does not include detailed and comprehensive odour or acoustic technical information that, in my judgement, clearly addresses the concerns of the Council in this respect. Given that the position of the barn in relation to the housing, and the prevailing winds which could blow up the slope, there is some potential for the livestock, which could be overwintering within the barn, to cause odour and noise disturbance to local residents. I consider that I need to give great weight to the professional advice from the Environmental Protection Officer and, consequently, take a precautionary approach with these matters. Given the uncertainty as to whether these issues could be addressed it would not be reasonable in any approval to reserve resolution of any noise or odour impacts by way of planning conditions or a planning obligation.
 15. Accordingly, I conclude that the evidence does not satisfactorily demonstrate that the proposal would have an acceptable impact on the living conditions of occupiers of the residential properties in the nearest section of Purn Road, with particular regard to noise and odour. Consequently, the proposal would not comply with Policy CS3 of the Core Strategy which requires, notably, that development that would result in harm to amenity will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other control regimes, or by measures included in the proposals, by the imposition of planning conditions or through a planning obligation.

Biodiversity

16. The proposed barn and track would fall within the Local Wildlife Site identified as "Coombe Farm drains and adjacent land". The North Somerset Council Biodiversity and Trees Supplementary Planning Document (December 2005) (the Biodiversity SPD) identifies this area for its semi-natural broad-leaved woodland, unimproved and semi-improved neutral grassland and semi-improved calcareous grassland.
17. The application was accompanied by a Preliminary Ecological Appraisal Survey (the Ecological Appraisal) which set out the findings of on-site investigations identifying the site as species poor semi-improved grassland. A series of enhancements including bat boxes and tree planting was recommended. The Ecological Appraisal identifies the site within the impact risk zone for Purn Hill Site of Special Scientific Interest (SSSI) which is explained to be 290m south

east and concludes that the scale of development and distance to the SSSI would result in no impact.

18. The Council's Natural Environment Officer Ecology, who analysed the report, set out a series of concerns including the impact to the semi-improved grassland and the connectivity to a series of other wildlife sites and the SSSI. Also raised is that the development is in the North Somerset and Mendip Bat Special Area of Conservation consultation zone C and that the proposal would reduce the grazed grassland foraging area available for Horseshoe bats.
19. In the final statement the appellant highlights updates to the Ecological Appraisal and this includes the case that a very small percentage of the Local Wildlife Site would be affected and that this would not have any impact on connectivity. Indeed it is argued that the enhancements would lead to an improvement to wildlife.
20. There is clearly a difference of professional judgement in this case. However, there appears to be limited analysis of different siting options within the wider site and the effect of these different positions may have to minimise any effects on biodiversity. The reasonably long track would cause more disruption to the grassland than a shorter track (albeit that there may be landscape implications with a different siting). The proposal may result in a very small loss of semi-improved grassland, however, this is one of the important features that the site has been designated for as a Local Wildlife Site. Furthermore, the effect of the proposal on horseshoe bat foraging, and the interconnectivity of important designated sites, seems to me to be uncertain.
21. With this uncertainty, and the importance of protected species and the potential interconnectivity between this local wildlife site and nationally designated sites reasonably nearby, I consider there would need to be further ecological survey and investigations before I could be satisfied that the proposal would not adversely erode the biodiversity of the area, or that any harm would be acceptably mitigated. In these circumstances, it would not be reasonable for these requirements to be the subject of a condition in any planning approval.
22. As a consequence, I conclude that the proposal has not demonstrated satisfactorily that there would be an acceptable impact on biodiversity. In such a situation the scheme would not meet with the requirements of Policy CS4 of the Core Strategy, Policy DM8 of the DMP and the Biodiversity SPD which seek, notably, that where appropriate, proposals should conserve the local natural environment by retaining, protecting, enhancing and linking existing wildlife habitats.

Other Matters

23. I have noted all the comments from local residents and the range of matters which have been raised in objection to the proposal, including the nature of the road system to access the site from the existing Purn Lane gateway and the relationship of the track to adjoining residential properties. However, in the light of my overall conclusions, I have not needed to consider these matters further.

Planning Balance and Conclusion

24. The existing farm buildings at the base of the hillside are not well connected with the grazing land further up the slope. Especially in bad weather, it is accepted that moving livestock, machinery and feed between the sections of the site would not be straightforward. Using the existing access from Purn Lane in association with the existing buildings would not be convenient for all farming activities. Consequently, the provision of the multi-purpose farm building on the upper part of the holding would clearly assist day to day farming activities, improve bio-security of the holding, allow increased stocking levels and provide further storage space, and thereby increase the productivity of the land. This would result in economic benefits to the business and, in turn, to the wider area.
25. However, despite the limitations and inconvenience of the existing arrangements, the grassland appears to be in good heart and the evidence indicates that it is regularly grazed by livestock. In these circumstances, the overall benefits which would accrue from the proposal afford modest weight in favour of the scheme.
26. It will be seen from the above analysis, that the proposal would harm the character and appearance of the area. Indeed, I consider that the siting and impact of the proposal would cause significant harm to the local landscape for the reasons explained. This harm weighs substantially against the scheme. The potential adverse impacts from odour and noise upon neighbouring residents and uncertainty regarding the biodiversity impacts are also matters of significant importance and also weigh heavily against the proposal. It follows that the benefits of the scheme would not outweigh the harm.
27. For the above reasons, and having regard to all other matters raised, the proposal would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and the associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR