
Appeal Decision

Site visit made on 22 September 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 3 November 2020

Appeal Ref: APP/D0121/W/20/3251941

Land at Bridgwater Road, 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 Ashley Park against the decision of North Somerset Council.
 - The application Ref 19/P/2537/FUL, dated 11 October 2019, was refused by notice dated 2 April 2020.
 - The development proposed is originally described as the "retention of agricultural store building".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ashley Park against North Somerset Council. This application is the subject of a separate Decision.

Procedural Matters

3. The building subject of this appeal already exists on the appeal site and is being used for the storage of agricultural items associated with the neighbouring agricultural holding. As such, planning permission for the building and its use as an agricultural building are sought retrospectively. I have therefore treated the development as already having occurred in my determination of the appeal.
4. During my site visit I observed that extensive earthworks had been carried out across the appeal site and that storage activities were occurring outside of the subject building. The submitted documentation from both parties do not indicate that these works or external storage form part of the appeal development. As such, the described works and external storage fall outside the scope of the appeal before me and therefore have not been considered in my determination of the appeal.
5. I note both parties refer to a previous appeal decision¹ relating to the building which is the subject of this appeal. The previous appeal decision related to the building being used for Class B8 commercial storage purposes and addressed matters pertaining to an enforcement notice issued by the Council. As the appeal before me seeks planning permission for the existing building to be used for agricultural storage purposes I have proceeded to determine the appeal on its own merits.

¹ Appeal Reference: APP/D0121/C/18/3201332

Main Issue

6. The main issues are:

- the effect of the development on the character and appearance of the surrounding area; and
- whether there is a demonstrated agricultural need for the development to be located in the countryside.

Reasons

Character and appearance

7. The appeal site is a modest rural parcel of land located on the southwestern side of Bridgwater Road (A370) and bounded by a railway line to the west. The site is currently subject to a storage building comprising of a metal frame and corrugated metal cladding with a green finish. According to the appellant, the existing building was constructed to replace a previous building on the site which burnt down. The site falls outside of any defined settlement boundaries and is therefore located within the open countryside for planning purposes.
8. The appeal site is located adjacent to the urban fringe, with a pocket of dwellings located on the opposite side of the railway line and other buildings on the opposite side of Bridgwater Road. Despite this, the appeal site appears distinctly rural and shares a closer visual relationship with the surrounding open fields and pastoral land which characterise the surrounding landscape. The Council's North Somerset Landscape Character Assessment Supplementary Planning Guidance (SPG) (adopted September 2018) describes the negative effects of the urban fringe on these rural landscape characteristics in locations such as the appeal site. It also emphasises the need to control visually intrusive development in the interest of protecting and enhancing these landscape features from such harmful urban features. As such, the appeal site represents a sensitive location whereby development must be of an appropriate design and scale to respect the distinctive rural characteristics of the surrounding area.
9. The existing building subject of this appeal represents an urbanising feature on the appeal site which has an industrial appearance and is clearly visible from the road, particularly along the access driveway for the site and through the open gaps in vegetation which line the front boundary. The building also appears as a prominent feature within the surrounding rural landscape due to the elevated position of the appeal site compared to the agricultural land bounding the site to the south. As such, and given the sensitive position of the appeal site, the building represents a harmful urbanising feature which unduly erodes the rural character and appearance of the surrounding landscape.
10. Accordingly, the appeal development harms the rural character and appearance of the surrounding area. It therefore conflicts with Policies CS5, CS12 and CS33 of the North Somerset Core Strategy (CS) (adopted January 2017), Policies DM10, DM32 and DM51 of the North Somerset Development Management Policies: Sites and Policies Plan Part 1 (SPP1) (adopted July 2016), and the North Somerset Landscape Character Assessment SPG. Collectively these policies and guidance seek, amongst other things, to control development within the countryside, to ensure development achieves high

quality design and is of an appropriate scale which protects and enhances the character, distinctiveness, diversity and landscape quality of rural areas.

Agricultural need

11. The appellant contests the interpretation of Policy DM51 of the North Somerset Development Management Policies SPP1. The policy relates to agricultural buildings in the countryside and prefaces support for such development subject to several criteria, including that such development must meet a demonstrated agricultural need to be considered favourably, amongst others. In this respect, the criteria relevant to this appeal refer specifically to new buildings forming part of an existing or new agricultural holding, needing to be necessary for and ancillary to the use of land for viable agricultural purposes, and that the re-use of existing buildings on the holding is prioritised over new buildings, prefacing that new buildings would only be acceptable where no suitable buildings are available.
12. The subject building and appeal site do not currently form part of an existing agricultural holding and are not proposed to form a new agricultural holding. In contrast, the building is being used as part of an agricultural holding on adjoining land on a short term tenanted basis and the appeal site itself is not being used for agricultural purposes. I note also that I did not observe an internal connection linking the appeal site to the adjoining agricultural land as suggested by the appellant, and as such any movements between the appeal site and the adjoining agricultural holding would be via the public highway network.
13. The appellant has submitted a letter from the adjoining agricultural holding, referred to as Purn House Farm, to demonstrate the described agricultural need for the subject building. However, the letter lacks substantive details regarding the current agricultural business operations of Purn House Farm, what buildings Purn House Farm currently benefit from, how those buildings are currently being used/occupied, and how the building on the appeal site is necessary for the ongoing business operations of Purn House Farm. This information is necessary to appropriately conclude on this matter. Furthermore, the appellant refers to a prior approval for a new agricultural building to be erected on the existing land of Purn House Farm². Whilst it is unclear whether this prior approval remains extant or has been carried out, it reflects that there are more appropriate opportunities within the existing agricultural holding to cater for the suggested agricultural storage needs of the business.
14. As such, there is insufficient evidence for me to determine whether there is a genuine agricultural need for the building on the appeal site within this sensitive countryside location. It therefore conflicts with Policy CS33 of the North Somerset CS and Policy DM51 of the North Somerset Development Management Policies SPP1. These policies seek, amongst other things, to support new agricultural buildings in countryside locations where they are demonstrated to be genuinely necessary.

Other Matters

15. The appellant refers to the previous building on the appeal site as justification that the current building would not appear harmful within the surrounding rural

² LPA Reference: 15/P/0143/PDA

landscape. However, neither the lawfulness of the previous use nor the scale and subsequent impact of the previous building on the site have been clearly established by the submitted evidence for me to directly compare them to the appeal development. In any case, I have considered the appeal proposal on its own merits and identified harm to the character and appearance of the area.

16. My attention has been drawn to a planning permission granted by the Council for a new agricultural building associated with an agricultural holding, unrelated to this appeal, near the appeal site³. The appellant suggests this permission represents a precedent which should be upheld in the determination of this appeal. However, the full details of this permission have not been provided for me to consider and as such I cannot be certain that the circumstances are the same. Nevertheless, I have determined the appeal before me on its own merits. Furthermore, whilst the appellant's suggested condition would ensure that the building could only be used for agricultural purposes it would not overcome the identified harm to the character and appearance of the surrounding rural landscape resulting from the appeal development.

Conclusion

17. I have determined the appeal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The development plan policies most important in determining this appeal remain up-to-date and consistent with the provisions of the National Planning Policy Framework (the Framework) on the whole and as such can be given full weight. In particular, Policies CS5, CS12 and CS33 of the North Somerset CS and Policies DM10, DM32 and DM51 of the North Somerset Development Management Policies SPP1 are consistent with the paragraphs of the Framework referenced by the appellant in so far as they support development for agricultural businesses in rural areas where they are well designed and sensitive to their surroundings.
18. Based on the evidence provided, I identified conflict with the relevant development plan policies with regard to harm the character and appearance of the surrounding area and am not satisfied that a genuine agricultural need has been demonstrated for the appeal development. The identified harm and conflict with the development plan attracts great weight.
19. I note the appellants suggested benefits of the appeal include the effective reuse of the building and the appeal site, that the use for agricultural purposes would be an improvement over previous uses of the site, and that the appeal site is well located to benefit the agricultural holding on the adjoining land. Limited weight is given to these benefits given the sensitive location of the appeal site adjacent the urban fringe, the lack of supporting evidence verifying the lawfulness of previous uses and extent of buildings on the appeal site, and that the appeal site does not form part of an existing agricultural holding.
20. As such, the identified harm and conflict with the development plan would not be outweighed by other material considerations, including the Framework. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR

³ LPA Reference: 17/P/1178/F