



Appeal Decision

Site visit made on 24 January 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/D1265/W/21/3281731

Land East of Bournemouth Road, Charlton Marshall, NGR 390840 103631

- 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 John Fromage against the decision of Dorset Council.
 - The application Ref P/FUL/2020/00360, dated 4 December 2020, was refused by notice dated 17 June 2021.
 - The development proposed is to construct new barn and lambing enclosure.
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Decision

1. The appeal is allowed and planning permission is granted to construct new barn and lambing enclosure at Land East of Bournemouth Road, Charlton Marshall, NGR 390840 103631 in accordance with the terms of the application, Ref P/FUL/2020/00360, dated 4 December 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5144 06.A (Location Plan, Floorplan and Elevations) and 5144 07 (Proposed Block Plan – with site levels)
 - 3) Development shall not proceed above finished ground floor level until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.

Preliminary Matters

2. The Council's reason for refusal refers to Chapters 12 and 15 of the National Planning Policy Framework (2019). After the decision, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The appeal timetable has allowed both parties the opportunity to make comments relating to the updated Framework.

Main Issue

3. The Council's reason for refusal states that the development would not conserve and enhance the natural beauty of the Dorset Area of Outstanding Natural Beauty (AONB). Its appeal statement, however, clarifies that the appeal site does not lie within this designated area, but that it is within its setting. The appellant's evidence indicates that the nearest AONB lies approximately 950 metres to the east. As this designated landscape lies to the east of the A350, Paragraph 4.62 of the North Dorset Local Plan Part 1 (2016) (the Local Plan) indicates that it is, in fact, within the Cranborne Chase and West Wiltshire Downs AONB.
4. Consequently, the main issue is the effect of the development on the landscape character of the area, including the settings of the Dorset and the Cranborne Chase and West Wiltshire Downs AONBs, and whether any harm in this regard is outweighed by the need for the building to be located in the countryside.

Reasons

5. The appeal site comprises a large rough grass field of about 90 metres in width, which extends into open countryside as far as the River Stour, some 630 metres to the east. It has access from the busy A350, which runs along its western boundary, and on the opposite side of the road there is a line of detached bungalows which form part of the settlement of Charlton Marshall. To the northwest, the settlement straddles the A350, and some houses have recently been built on the eastern side of the road. Consequently, the western part of the field, where the barn is proposed, is in an urban fringe location, closely associated with the built form of the village.
6. The government's Planning Practice Guidance (the PPG) makes it clear that the legislative duty to have regard to the purposes for which AONBs are designated, in exercising or performing any functions in relation to them, is relevant in considering development proposals that are situated outside their boundaries, but which might have an impact on their setting. Furthermore, the PPG recognises that land within the setting of AONBs often makes an important contribution to maintaining their natural beauty, especially where long views from, or to, the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Paragraph 176 of the Framework advises that development within the setting of an AONB should be sensitively located, and designed to avoid or minimise adverse impacts on the designated areas.
7. Paragraph 4.63 of the Local Plan states that the Dorset AONB covers an area of chalk downland to the west of Blandford and north of the A354. It is, therefore, a considerable distance from the appeal site. Furthermore, the village of Charlton Marshall lies between the site and the AONB. Bearing in mind the scale of the proposal, the distance, and the intervening presence of the settlement, the proposal would not have any effect on the setting of the Dorset AONB.
8. The higher, rolling landscape of the Cranborne Chase and West Wiltshire Downs AONB is visible from the A350 across the appeal site. However, it is distant, and visually separated by the tree-lined river valley. The appeal site is also of a quite different character, being low-lying and flat. It therefore does not make a significant contribution to maintaining the scenic beauty of the AONB. Whilst

the development would be visible from within the AONB, it would be at a significant distance, and its limited scale would mean that it would be largely indiscernible against the backdrop of the existing settlement. The building would be seen in views towards the AONB from vantage points along the A350, and from within the village. However, these locations are already heavily influenced by urban development. Consequently, the proposal would not be harmful to the setting of the AONB.

9. The Council's evidence indicates that the appeal site falls within a landscape character area, but I have not been provided with details of the classification, or the key features of importance. From what I saw, however, the local landscape is characterised by low-lying level grass fields on either side of the meandering River Stour. The fields are divided by a network of hedgerows containing mature trees. Whilst there is a general absence of buildings within the patchwork of fields, there are some farmsteads with large agricultural buildings to the east of the river, whereas the western fields are more closely associated with the residential and communal buildings within the village. Within this context, the relatively modest timber agricultural building that is proposed would not be an incongruous feature, and its close relationship with the built form of the village would mean that it would not be an isolated building in the countryside.
10. The building would be visible over the roadside boundary hedge from the A350 to the north and south of the site. In both cases, however, it would be seen against the backdrop of trees, and in the context of domestic bungalows, boundary fences, telegraph poles and a busy A-road with its associated highway features. It would not, therefore, be a particularly intrusive feature. It would also be visible from the bungalows on the opposite side of the A350, but its simple agricultural design, and rough-sawn timber walls would readily integrate into its urban fringe surroundings. I have also imposed a condition requiring the approval and implementation of a planting scheme to further assimilate the building into its surroundings. Consequently, there would be no harm to the landscape character of the area.
11. The building would be in the countryside, where Policy 20 of the Local Plan says development will only be permitted if it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan, summarised in Figure 8.5; or for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. New agricultural buildings do not feature in Figure 8.5, but paragraph 8.188 identifies that there may be an overriding need for a countryside location for certain types of agricultural developments. In this case, the extensive surrounding field would be used for sheep grazing and the building is proposed for the purposes of lambing. In these circumstances, a countryside location is clearly a necessity that overrides the general presumption against countryside development imposed by Policy 20.
12. I therefore conclude that the development would not harm the landscape character of the area, including the settings of the AONBs, and there is a need for the building to be located in the countryside. Consequently, the proposal would accord with Policies 4 and 20 of the Local Plan, which seek to limit development in the countryside and protect the landscape character of the district. It would also accord with the aims of the Framework to achieve well-designed places and to conserve and enhance the natural environment. In

coming to this conclusion, I am mindful of the Council's concern that it could set a precedent for other similar proposals. However, I have dealt with the appeal on the basis of the particular circumstances of this proposal. They are unlikely to be exactly replicated in other cases, which should, in any event, be considered on their own merits.

Other Matters

13. Concerns have been raised in representations regarding the impact of the building on the residential amenity of the occupants of the bungalows on the opposite side of the A350. This issue has also been raised in the Council's statement, although it did not form part of the reason for refusal. The barn would be separated from the bungalows by the road, which carries a considerable level of fast-moving and heavy traffic. Furthermore, the open elevation of the building would be on the side facing away from the bungalows. Consequently, it is unlikely that the sound of agricultural activities within the building would be discernible above existing background noise levels.
14. Representations have also referred to the liability of the land to flood. The evidence indicates that the appeal site is within Flood Zone 2 and 3a. The PPG advises that agricultural buildings fall within the less vulnerable classification, so are appropriate within these Flood Zones.

Conditions

15. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty.
16. The council has suggested a condition to secure landscaping between the building and the road frontage. I agree that this would be necessary to assist in assimilating the barn into the landscape, however, I have altered it in the interests of precision and enforceability.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR