



Appeal Decision

Site visit made on 27 April 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2022

Appeal Ref: APP/Q3305/W/21/3283229

Moors Barn, Marsh Road, Standerwick, Frome BA11 2PZ

- 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 Coryndon Luxmoore against the decision of Mendip District Council.
 - The application Ref 2020/0132/FUL, dated 21 January 2020, was refused by notice dated 22 July 2021.
 - The development proposed is change of use of land from equestrian use to a general industrial use and erection of office/storage barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development given on the appeal form, rather than the application form, as it is clear from the appellant's evidence that it more accurately and comprehensively describes the proposal.
3. The general industrial use of the land had already commenced at the time of my site visit, so I am considering this element of the proposal retrospectively.

Main Issue

4. The main issue is whether the site is a suitable location for the development bearing in mind the policies of the development plan.

Reasons

5. The appeal site is part of a roughly rectangular field approximately midway between Frome and Westbury. It is bordered by roads on three sides and the mainline rail track on the other. The southern and eastern edges of the field accommodate gypsy/traveller pitches and a range of equestrian buildings, and there is a menage on the northern side. Much of the field, however, is open grassland, so retains a rural character. There are clusters of development in the area around the site, including Standerwick to the northwest, a commercial complex on the opposite side of the A36 to the west, and a group of houses in Marsh Road to the southeast. However, the land immediately to the north, east and south of the site is undeveloped agricultural land, as is most of the other land in the wider area. The site therefore lies in the countryside.
6. The spatial strategy for development in the district is set out in Core Policy 1 of the Mendip District Local Plan 2006-2029 Part I: Strategy and Policies (adopted 2014) (the Local Plan). To enable the most sustainable pattern of growth, a

hierarchy of settlements is identified, with the majority of development directed to five principal settlements. In rural areas, development to meet local needs will be provided for in Primary and Secondary Villages. Development in the open countryside is strictly controlled, but may exceptionally be permitted in line with the provisions set out in Core Policy 4: Sustaining Rural Communities.

7. Core Policy 3 of the Local Plan says proposals for economic development will be supported where they accord with the spatial strategy and, in rural areas, the principles set out in Core Policy 4. Paragraph 4.74 of the supporting text to Core Policy 4 summarises the priorities for rural development, which include protection of the open countryside for its intrinsic value; and supporting the rural economy, although ensuring that the scale of development is appropriate to the rural setting. Paragraph 4.83 recognises that small businesses, of a scale appropriate in a rural setting, generate wealth and employment, and says the emergence and growth of rural enterprises will be supported. However, it also acknowledges that unfettered development in the countryside must not undermine its intrinsic value.
8. This balance between encouraging rural development, whilst protecting the countryside, is reflected in the provisions of Core Policy 4. Proposals for development of the rural economy which enable the establishment, expansion and diversification of business, in a manner and of a scale which is appropriate to the location and constraints upon it, are supported.
9. The change of use has already taken place, and covers quite an extensive area towards the north-eastern corner of the field, adjacent to the menage. The use has resulted in the wholesale removal of the grass surface of the field, which is now hard surfaced and accommodates six open concrete bays along the northern boundary, and an assortment of open storage on the remainder of the site, including building materials, containers, skips and machinery. The appeal site also includes two portacabins, one of which is used as a site office for the construction company, whilst the other appears to be currently used as a food takeaway outlet. The site is not defined, or enclosed, by any existing landscape features, so its uncompromising industrial appearance is in stark contrast to the undeveloped paddock and grassland of the original field, which surrounds it on two sides. The use has, therefore, resulted in significant harm to the rural character of the site.
10. Whilst the site has no designated landscape constraints, paragraph 174 of the National Planning Policy Framework (the Framework) advises that planning decisions should contribute to, and enhance, the natural and local environment, by recognising the intrinsic character and beauty of the countryside. The site is quite well screened by hedgerows along the southern and western road boundaries of the wider field. However, it is readily discerned from Marsh Road through gaps in the hedge. It is also visible through the access point near the bend in Marsh Road, where it appears as an intrusion into the open countryside that lies beyond the gypsy/traveller pitches. Furthermore, it would be a very prominent feature for passengers on mainline trains passing the site. From all of these viewpoints, the scale and nature of the development results in it appearing as an inappropriate incursion into the countryside, that harms its character and appearance.

11. The proposal involves the relocation of the storage bays to the western boundary of the site, but this would not mitigate the impact of the current use on the character of the area. The proposed office/storage barn would be a substantial building, and at 7.7 metres in height, it would be significantly higher than the nearest permanent buildings on the wider site. It would also be some distance away from them, so would be seen in relative isolation. Consequently, it would be an incongruous and prominent building in its countryside context, which would be harmful to the rural character of the area.
12. It is stated that the building business that operates from the site is run by the appellant and family members, who live on the adjacent gypsy/traveller pitches. It is therefore contended that the proposal provides a live/work opportunity that would reduce the need for private transport journeys. However, the nature of a building business necessarily entails that most work is carried out on construction sites away from the yard. So, although the administrative and yard maintenance work could be carried out without the need to travel away from the site, the core element of the business would still entail travelling. Consequently, the benefits of locating the building business adjacent to the appellant's place of residence would be limited in this regard, and would not outweigh the harm to countryside character.
13. For the reasons given above, I conclude that the manner and scale of the development is not appropriate to its countryside location. The proposal would, therefore, be contrary to Core Policy 4 of the Local Plan, which seeks, amongst other things, to support proposals for development of the rural economy that are suitable for their context. As a result, the development is also contrary to Core Policy 1, which strictly controls development in the countryside. Paragraph 12 of the Framework says that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Conclusion

14. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR