
Appeal Decision

Site visit made on 29 March 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/D1265/W/21/3283261

Land at NGR 374975 118665, Priors Rise, Station Road, Stalbridge, Dorset DT10 2RS

- 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 J Redman & Ms S Roe against the decision of Dorset Council.
 - The application Ref 2/2020/0829/FUL, dated 12 June 2020, was refused by notice dated 21 March 2021.
 - The development proposed is to erect an agricultural building for the storage of feedstuffs, equipment, machinery, materials and the accommodation of livestock.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is justified given its location in the open countryside;
 - The effect on the character and appearance of the area; and
 - The effect on the living conditions of neighbours by virtue of privacy, noise and odour.

Reasons

Justification

3. There is no dispute between the parties that the appeal site is located in the open countryside as set out in Policy 2 of the North Dorset Local Plan Part 1 2011-2031, adopted January 2016 (LP). I note that the Council say that the location is considered to be sustainable¹ but this does not seem to be the case the Council are making elsewhere in the submitted documents.
4. Policy 20 of the LP states that the emphasis of policy in the countryside is on restraint but that some forms of development will be permitted where it supports the rural economy and meets essential rural needs. The policy includes a list of those developments which are permitted by other policies in the plan. Agricultural buildings are not specifically included in that list but the supporting text to the policy advises that the Council may consider there to be an overriding need for a countryside location for certain types of agriculture

¹ Para 2.0 of the Delegated Officer report

and this is reflected in paragraph b) of Policy 20 which states that other types of development may be permitted where there is an overriding need for it to be located in the countryside.

5. It is understood that the appellants have purchased the land and intend to use it (together with some rented land) for rearing sheep. They say that there are no buildings associated with the holding and that this is a prerequisite to establishing a flock. They say that they need somewhere for over-wintering stock, for lambing to take place and to store feed, bedding and machinery and that the appeal building is the minimum size that is required to service the holding. However, I have no details before me which indicate the number of sheep they propose to rear and the types of machinery, equipment and materials that the building would need to accommodate, to determine if this is the case.
6. I note that the appellants are currently renting land with a building at Stalbridge which has enabled them to establish their enterprise and they were also able to rent part of a large barn half a mile away to store the hay crop taken from the appeal site last year. I understand that it may be desirable for the appellants to erect a building on land that they own, rather than on rented land but from the submitted information, the lack of a building at the appeal site does not appear to have been a barrier to establishing the flock as they claim.
7. Paragraph 84 of the National Planning Policy Framework seeks to support the rural economy through the growth and expansion of rural businesses including the development of agricultural businesses. However, I have nothing before me which suggests that the appeal proposal relates to a rural business. I note that it is the appellants intention is to establish a 'small' flock to assist them in becoming more self-sufficient and as such, this does not indicate to me that what is proposed amounts to an agricultural business.
8. As such, an overriding need for the appeal building has not been justified and the proposal is contrary to Policies 2 and 20 of the LP insofar as they apply restraint to proposals in the countryside other than those proposals which support the rural economy and meet essential rural needs.

Character and Appearance

9. The appeal site consists of a relatively level single field, bound on all sides by established hedgerows. Station Road runs along the south eastern boundary of the site and there is an established woodland to the north west. A public footpath skirts around the north eastern and north western boundaries.
10. I noted that the character of the area was one of a pastoral landscape with intervening hedgerows and trees dotted with farmsteads and agricultural buildings. In this respect, the appeal building would not be out of context. It has been clearly designed to look and function as an agricultural building.
11. Notwithstanding my findings above with regard to need, the building would be set well back from the road and located in the far corner of the site. Whilst this may be marginally higher ground than the remainder of the field, from distant views, and being clad in timber and dark green sheeting, the building would have the benefit of being viewed against the established woodland and this backdrop would limit its wider visual impact. The steel doors on the principal

elevation are a common feature on agricultural buildings and would not in my view make the building any more visible from a distance. The building would be clearly visible from the public footpath but given that agricultural buildings are typical of the character of the surrounding area, it would not detract from the enjoyment of users of the footpath.

12. The Council states that the mass of the building is excessive for the size of the holding. I accept that limited information has been provided about the type of machinery and equipment which would need to be stored there but the nature of modern agricultural equipment is such that it usually requires a minimum height building to accommodate and manoeuvre machinery within. In this context, an eaves height of 3.4m would not appear to be excessive. In addition, the footprint of the building covers just a small area of the field such that a large proportion of it remains available for agricultural purposes. As such, I do not find that the mass of the building would be inappropriate in terms of its relationship to the remaining field nor have a harmful effect on the character and appearance of the area.
13. In this respect, I find that the proposal would have an acceptable impact on the character and appearance of the area. As such I find no conflict with Policies 4 and 24 of the LP which seek to conserve the natural environment and ensure that developments reflect design principles and standards having regard to local context. In addition, I find no conflict with paragraph 130 of the Framework which seeks to ensure that developments are sympathetic to their landscape setting.

Living conditions

14. Ash House lies to the north east of the proposed building with its rear elevation facing towards the proposed siting of the appeal building. I accept that the appeal building would be clearly visible to the occupants of Ash House. The north east elevation of the proposed agricultural building, which would face towards Ash House, has no openings in it. The only openings to the building would be on the south east elevation. There are clear views into the rear garden area of Ash House from the public footpath which runs along its boundary with the appeal site and in this respect, the appeal building would have no greater impact on the privacy of the occupiers of Ash House.
15. The appeal proposal relates to the use of the building for the over wintering of stock and lambing. I accept that there would be some noise associated with this use. However, given that the proposal appears to be on a self-sufficiency basis rather than an intensive rearing enterprise, I consider that the noise generated is likely to be moderate. Furthermore, it is likely to be limited to periods in the year when the occupiers of Ash House are less likely to have windows open or spending significant amounts of leisure time in the garden.
16. In addition, the building would be used for the storage of feed, machinery, equipment and materials. Notwithstanding that the details of what this may include are scant, the proposal is only for the storage of such items. Other than the noise associated with them entering or leaving the building, there would be limited disturbance to the occupiers of Ash House from their storage within the building.
17. I accept that there would be an element of disturbance during the construction of the appeal building but the hours of construction could be controlled by

condition, if the appeal were allowed. Equally, any waste products generated by the use of the building for livestock, could be the subject of a condition requiring a waste management plan. There are no proposals to include lighting within the building and again, I am satisfied that this could be controlled by an appropriately worded condition.

18. Therefore, taken together, I find no conflict with policies 24 and 25 of the LP which seek to protect the privacy and enjoyment of existing properties and guard against unacceptable levels of noise or odours.

Other Matters

19. Interested parties have expressed concern that the proposed building could be used for alternative business purposes, parties and events. However, that is not the proposal before me.
20. The access is already in place and does not form part of the appeal proposal before me. Similarly, I can only consider the siting of the building as contained on the submitted drawings, not whether an alternative siting would be more appropriate.
21. There would be no impact on the ability of walkers to use the public footpath. A requirement for the erection of stockproof fencing would not be reasonably related to the development proposed as livestock can be grazed in the field irrespective of whether there is a building there. Equally, a condition requiring that the footpath is surfaced would be unreasonable and unenforceable as it appears to relate to land outside the control of the appellant.
22. With regards to the impact of the proposals on the wildlife and biodiversity of the area, the Council say that the construction methods and ecological mitigation could be required by a condition, and I see no reason to disagree. The appellant advises that it would be their intention to install a bat box in the building in any event, providing a net gain for biodiversity in line with paragraph 174 of the Framework.

Planning Balance and Conclusion

23. I have found that the appeal proposal would not have a harmful effect on the character and appearance of the area or the living conditions of neighbours. However, the absence of harm in these respects does not outweigh the harm I have identified to the Council's strategy of restraint in the countryside which seeks to protect the intrinsic character and beauty of the countryside and protect it from unjustified development.
24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR