



Appeal Decision

Site visit made on 5 April 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/D1265/W/21/3282162

The Cedar Barn, Grange Road, Wareham BH20 5DG

- 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 Jason Cameron (Grange Gallery) against the decision of Dorset Council.
 - The application Ref 6/2020/0463, dated 8 November 2020, was refused by notice dated 24 May 2021.
 - The development proposed is described on the application form as, "Change of use/ retrospective/ proposed planning of additional structures -Covid 19 secure + accessibility for people with disabilities required for works completed/ to be completed to ensure premises Covid-19 compliant for public and enabling access to premises and amenities for people with disabilities. This included the construction of a wooden lean-to stretching length Cedar barn (Grange Gallery) this houses three sections **Gallery & Showroom, one way, 2 x double door ** Cameron Furniture Porch/ consultation area ** Courtyard Snug ** Outdoor servery was created to serve ** Refreshments for Café Grange and pay point for Gallery/ Showroom purchases ** Decorative Fence ** to enclose courtyard, for clients, visitors to safely use servery, view sculptures, outdoor furniture and accessories, enjoy Café refreshments and workshops**Sail to be erected over part of the courtyard to provide undercover for the above activities** Garden Snug ** Seated area to enjoy Café Grange refreshments and a hide to watch visiting wildlife to Grange Gallery wildlife feeding station** Outdoor Toilets ** to provide visitors and clients with Covid-19 secure amenities and a toilet that is accessible for those with disabilities and for baby changing** Change of Use ** Café and Restaurant to enable serving of hot/cold drinks/light refreshments to customers and clients**to host regular workshops that would include multiple disciplines **the change of use to various areas at Grange Gallery to facilitate the above changes of use Proposed workshop** to build freestanding metal framed, wooden clad workshop to East elevation of Grange Gallery for multiple use as workshop for assembly & upholstery, art studio and space to host creative workshops and Pilates, yoga, meditation classes".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached outbuilding for use as customer toilets at The Cedar Barn, Grange Road, Wareham, BH20 5DG in accordance with the terms of the application, Ref 6/2020/0463, dated 8 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Insofar as they relate to the development hereby permitted, the development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 2 x Roads, Site Plan – View 1, Overview, Location Plan, Block Plan, Outdoor WC's, WC's Plan (Front & Side Elevations).

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the application form.

Preliminary Matters

2. The appellant has stated that the appeal site is now known as The Cedar Barn, and no longer as Grange Gallery, which is the name of the business. I have adopted this site name in the banner header and in paragraph 1, above.
3. Subsequent to the issuing of the Council's decision notice, the appellant agreed a revised description of development with the Council, for 'Erection of detached outbuilding for use as Customer Toilets (retrospective)'. Amended plans have been submitted at appeal stage which relate to this proposed revised description of development. These plans show the proposed toilets. As the proposed detached outbuilding for use as customer toilets is present on the plans considered by the Council at application stage, I am satisfied that the parties' interests, including that of local residents, would not be prejudiced by the revised description of development and amended plans being considered in this appeal. Therefore, apart from the word 'retrospective', which is not an act of development, I have considered the appeal on this basis.
4. At the site visit, I observed that a detached outbuilding which contained toilet facilities was in place, in the same location as the development now proposed. That outbuilding did not entirely reflect the proposed WC shown on the submitted plans in terms of, amongst other things, its door opening facing west for the accessible WC. Considering this, and for the avoidance of doubt, this appeal decision only relates to the proposed development as shown on the submitted appeal plans.
5. The 2nd reason for refusal, given in the Council's decision notice, relates to a detached creative workshop building. As a workshop building is not to be considered in this appeal, I have not considered this matter further.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area, including the Dorset Area of Outstanding Natural Beauty.

Reasons

7. The appeal site contains a large barn which has been extended by way of lean-to elements. A sizeable parking area lies to the rear and side of the barn. A driveway which is partially enclosed by wooden fencing leads to the parking area. The surrounding area is rural in character, with large fields and areas of woodland nearby. The site is within the Dorset Area of Outstanding Natural Beauty (AONB).
8. The proposed toilet block would be set-back somewhat from the road. The proposed materials for the structure would blend well with the existing barn on site and in design terms it would not appear out-of-place in this rural location. In its proposed location adjacent to the driveway, it would be significantly smaller in scale than both the barn on site and The Old Blacksmiths building which is positioned in front of that barn, meaning that it would not be particularly noticeable in its immediate context.

9. I observed that, due to the thick hedgerow present along Cotness Road and Grange Road, the presence of a number of trees near the site along Grange Road, and the size of The Old Blacksmiths building, views of the proposed toilet block would also be limited from wider public vantage points. Taking all of the above into account, the proposal would complement the character and appearance of the surrounding area.
10. In accordance with paragraph 176 of the National Planning Policy Framework (the Framework), I have given great weight to the consideration that the landscape and scenic beauty of the AONB should be conserved and enhanced. In this regard, due to the small scale of the proposal in its wider context, the proposal would have a limited visual impact on the wider landscape. As such, the landscape and scenic beauty of the AONB would be conserved and the proposal would not conflict with paragraph 176 of the Framework in this respect.
11. I therefore find that the proposal would have an acceptable effect on the character and appearance of the area, including the Dorset AONB. It would comply with Policies SD, LD, CO, and LHH of the Purbeck Local Plan Part 1 (adopted 2012) which collectively provide that, amongst other things, development in the countryside should aim to improve the sustainability of rural settlements, make a positive contribution to landscape character and enhance biodiversity, and that proposals for development and other works will be expected to conserve the appearance, setting, character, interest, integrity, health and vitality of landscape (including trees and hedgerows) and heritage assets. It would also comply with chapter 15 of the Framework, which seeks to conserve and enhance the natural environment.

Other Matters

12. Interested parties have made reference to alleged breaches of planning control, but these are not matters that I can assess in the context of this appeal; such matters may fall to the Local Planning Authority to address as necessary. Similarly, the conduct of the Local Planning Authority during the processing of the planning application is not a matter that I can assess in the context of a planning appeal. Furthermore, any future planning applications would be assessed by the Local Planning Authority on their own merits.

Conditions

13. I have considered the need for conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development and the approved plans respectively. In the interests of preciseness, I have specified that the plans have been approved insofar as they relate to the erection of a detached outbuilding for use as customer toilets only. A condition is also necessary controlling external materials to secure an acceptable appearance for the development.
14. The site is located in an area where flooding issues can occur, in relation to potential extreme events nearby. Nevertheless, considering the very modest scale of the proposal overall, and that the proposed roof would have a small surface area, in my view the proposal's likely impact on flood risk would be very limited. As such, it would not be proportionate or reasonable to impose a

condition relating to a surface water drainage scheme and / or a sustainable drainage system. Again, considering the small scale of the proposal, it would not be necessary to impose conditions for matters relating to construction works site management.

15. Similarly, given the proposed limited footprint of the proposed structure, it would not be reasonable to impose a condition in relation to previously unidentified contamination.
16. Additionally, given that, based on the plans before me, the proposal involves a maximum of 3 WCs, and the Council has confirmed that there is a connection from the existing property to a septic tank within the grounds, I am satisfied that the management of sewage waste from the proposed toilets could be adequately dealt with by the business owners of Grange Gallery without a formal sewage management system being in place. Consequently, a condition relating to sewage management would not be necessary. In reaching this conclusion it is noteworthy that the Council also considers that such a condition would not be necessary in relation to the proposal under consideration in this appeal.
17. Reference has been made to the proposed toilet facilities potentially being used by passers-by, including cyclists. However, any such use would likely be primarily in connection with the business operations of Grange Gallery, particularly given that the toilets would be sited on private land. The evidence before me does not indicate that the proposed detached outbuilding for use as customer toilets would be likely to, by its mere presence, involve a significant intensification of the use of the site. On this basis, it would not be necessary or reasonable to impose conditions relating to a surfaced and constructed access to the site, or for the reduction of any noise pollution or other potential impacts on the living conditions of neighbouring occupiers.

Conclusion

18. 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 allowed.

Alexander O'Doherty

INSPECTOR