



Appeal Decision

Site visit made on 2 February 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/V3310/W/21/3282385

Land at NGR 339691 154868 Rackley Lane, Compton Bishop, Axbridge, Somerset BS26 2HJ

- 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 and Mrs Blake against the decision of Sedgemoor District Council.
 - The application Ref 21/21/00014, dated 27 April 2021, was refused by notice dated 13 August 2021.
 - The development proposed is the change of use of land and the siting of a 5m diameter white canvas Yurt on 5m diameter wooden deck and a field shelter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form did not include an address. I have taken the site address from the Council's decision notice but have included the grid reference and post code provided by the appellants on their planning application form for the sake of clarity.
3. I have also essentially taken the description from the Council's decision notice as it more succinctly describes the proposal. However, I have removed the words 'retrospective' and 'retention' as these are not acts of development. The yurt, wooden deck and field shelter were on site at the time of my visit.
4. The appellants provided a document with the title 'Full Business Plan' as part of their appeal submission. The document does not seek to fundamentally amend the appeal proposal but provides additional information in response to the Council's reasons for refusal in a timely manner. As such, and as any interested party has had the opportunity to comment upon it at appeal, no one would be prejudiced by my having regard to it.

Main Issues

5. The main issues in this appeal are:
 - whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan for tourist accommodation;
 - the effect of the proposed development on the character and appearance of the area including the Mendip Hills Area of Outstanding Natural Beauty (AONB); and

- the effect of the proposed development on highway safety.

Reasons

Location

6. The Council's spatial strategy for the District includes Policy S2 of the Sedgemoor Local Plan 2011-2032 adopted February 2019 (LP). Policy S2 explains that in the Countryside proposals for new development will be supported only where it accords with relevant policies in the Local Plan which provide for sustainable and appropriate scales of development in the Countryside, including where such a location is essential. This is in order to reflect the challenges faced in terms of environmental constraints, accessibility to key services and sustainable transport opportunities. Recognising the environmental and landscape constraints of such a location, Policy CO1 seeks to balance the benefits development can give to rural communities and the rural economy with these environmental and landscape constraints.
7. To this end, LP policy D17 affords support to tourism related initiatives including accommodation in the countryside subject to a number of criteria, with paragraph 7.149 providing support to sustainable tourism developments and paragraph 7.150 making it clear that where exceptionally granted in the countryside, proposals need to be justified through a demonstration of viability. Policy D17 permits proposals which are not within or close to a settlement if they are required in connection with a particular countryside attraction and there are no suitable existing buildings or developed sites available to reuse.
8. The appellant's case is supported by a document titled, 'Business case for yurt' together with the additional document referred to in paragraph 4 above. The documents detail that the proposal would provide an eco-friendly getaway for adults wishing to enjoy the countryside with an emphasis on respite from modern life and being off-grid for those who enjoy cycling, walking and wild camping. There is no substantive evidence that this would be in connection with a particular countryside attraction other than the general enjoyment of the surrounding area. Equally, there is nothing before me to indicate that this could not be provided within an existing building or through the reuse of a developed site. It therefore fails against policy D17 for these reasons.
9. Policy D17 goes on to state that the Council expects proposals for new accommodation in the countryside to be supported by a robust business case demonstrating that they are viable. The appellants argue that there is no similar offering in the local area but I have seen no substantive evidence to corroborate this. Equally, there is no persuasive evidence that detailed research has been carried out to identify the target market, how it would be marketed including its unique selling points, the cost of capital investment and potential returns. A figure of £50-£80 per night is referred to but no projections are provided in relation to realistic occupancy rates, other than there being no expectation of visitors during the winter months. The pre-application advice request submitted by the appellants to the Council refers to a llama trekking business but there is no further reference to how this would be incorporated into the business proposal in the appeal submissions. The information provided does not form a robust business case. The proposal would therefore result in a form of tourism development which has not been adequately justified and as such would lead to a proliferation of development in the countryside.

10. In conclusion, the proposal would be contrary to Policies CO1 and D17 of the LP and would not be in a suitable location. As such, it would harmfully undermine the spatial strategy for tourist accommodation in the countryside as well as the approach that the planning system should be genuinely plan led.

Character and appearance

11. The appeal site lies outside but adjoins the Mendip Hills AONB. The yurt is small scale and well screened from Webbington Road due to the established native hedgerows surrounding the field in which it is located. From Webbington Road, only part of the roof of the yurt was visible at the time of my visit, leading me to conclude that it would be virtually undiscernible in the summer months. However, the field slopes up from Rackley Lane with the yurt occupying an elevated position. The yurt is therefore visible from Rackley Lane and the public footpath which crosses the field between Rackley Lane and Webbington Road.
12. The Council state that there is some limited landscape harm arising from the proposal given the generally rural and undeveloped nature of the appeal site surroundings. The appellants acknowledge this and suggest that additional hedging and tree planting could be provided. This, they say, together with a green cover to the roof of the yurt would assist with screening it from Rackley Lane. These could be required by suitably worded conditions.
13. Despite no expectation of visitors during the winter months, there is nothing before me which suggests that the yurt will be removed during this period. During the winter months, hedges and trees will be sparse and the yurt will be visible.
14. Given the small-scale nature of the proposal, the setting of the AONB will be conserved and in this respect, I find no conflict with Policy D19 of the LP which seeks to prevent harm to the character and visual amenity of the protected landscape. However, there would be some limited harm to the local landscape given that the appeal proposal involves the provision of a visible man-made structure in an otherwise undeveloped field. This harm to the intrinsic character and beauty of the surrounding countryside is contrary to Policy CO1 of the LP insofar as it seeks to protect attractive landscapes in the countryside.

Highway safety

15. The appellants have suggested that visitors to the yurt would arrive by bicycle and on foot or they could be collected from local stations if they chose to use public transport. However, there is an acknowledgement that some visitors may arrive by car and it is proposed that provision is made for this at the appellants property, Rackley Barn. I saw that there were two car ports, a garage and a generous parking area here.
16. I note that the Council's concerns relate primarily to whether parking provision could be controlled by condition. I am satisfied that a suitable parking provision in connection with the use of the yurt could be provided at Rackley Barn and that being within the control of the appellants, a suitable condition could be applied to ensure that the facilities were set aside for that purpose.
17. The submitted plans indicate the provision of a new access gate at the eastern edge of the appeal site. The details of the form this would take have not been provided and again, I am satisfied that this could be controlled by condition to

ensure that it would be limited in size to provide access for pedestrians and cyclists only.

18. Accordingly, the proposal would not undermine the approach in Policy D13 of the LP which accords support to proposals that allow for a wide choice of modes of transport and for the forgoing reasons would not, in my view have a 'significant' adverse effect as referred to in Policy D14 of the LP.

Other Matters

19. The appeal proposal also includes a field shelter with an open-sided hay store to the side which has been erected towards the southern boundary of the field. The Council and the Parish Council have indicated that they have no objections to this aspect of the proposal and I agree that by virtue of its limited size, siting and appearance, there would be no harmful impact on the AONB or living conditions of nearby residents
20. Interested parties have made reference to a number of issues including whether planning permission is required for the llama trekking business, the impact of any subsequent expansion of the holiday enterprise, whether relevant licences and insurance have been obtained and whether risk assessments have been carried out but these are either hypothetical or unrelated to the planning merits of the appeal before me.
21. Reference has also been made to the provision of facilities for waste water which could be controlled by condition in the event that the appeal had been allowed.
22. The appeal site is within Consultation Zone B of the North Somerset and Mendip Bats Special Area of Conservation (SAC) which relates to horseshoe bats and the Shute Shelve Hill Site of Special Scientific Interest. However, as I am dismissing the appeal, further consideration of this and an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SAC is not required.

Planning Balance and Conclusion

23. Section 38(6) of the Planning and Compulsory purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The appeal proposal would conflict with the development plan on the basis that there is no robust case for the development to be located in the countryside and the proposal would result in some limited harm to the character and beauty of the countryside. As such, the proposal is at odds with the Council's strategy of controlling development in the countryside and this conflict carries great weight.
24. The appellant proposes to increase local flora and fauna at the site and it is envisaged that the proposal would lead to employment for one person. These are modest benefits which weigh in favour of the proposal.
25. Whilst I have found that the proposal would not cause harm to the setting of the AONB or highway safety, these are effectively neutral rather than weighing in favour of allowing the appeal. These neutral matters would not outweigh the conflict with the development plan.

26. Taken together, the proposal is contrary to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

Alison Fish

INSPECTOR