



Appeal Decision

Site visit made on 30 March 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/W3330/W/22/3308494

Land to the north east of Whiteford Hill, Corfe

- 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 C Harris against the decision of Somerset West and Taunton Council.
 - The application Ref 12/22/0001, dated 2 February 2022, was refused by notice dated 8 April 2022.
 - The development proposed is extension to concrete yard and erection of a building for the housing of broodmares and the storage of preserved fodder.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the Council's decision notice, as this detail was not included on the Application Form.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the biodiversity of the site; and
 - the integrity of the Somerset Levels and Moors Ramsar.

Reasons

Character and Appearance

4. The appeal site is situated to the eastern side of the B3170 Corfe Road and falls within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). Part of the site is occupied by a stable building, but it is otherwise made up of greenfield land which is commensurate in character with the surrounding rural landscape. The site is separated from the road by a variety of trees and hedgerow, which further complement the verdant beauty of the surrounding area.
5. The proposal would introduce a large building to the site to accommodate broodmares, which would measure approximately 18.9 metres in length, approximately 12 metres in width, and approximately 6.2 metres in height. The building would incorporate a steel portal frame construction which would be

enclosed on three of its four elevations, together with timber-space boarding above pre-cast concrete panel stock walls.

6. The introduction of such a large building in this location would juxtapose with the largely undeveloped nature of the surrounding landscape. In turn, the development would appear dominant and stark, and would significantly detract from the tranquil and verdant character of the prevailing landscape. This impact would undermine the rural beauty of the AONB.
7. Notwithstanding its agricultural appearance, the visual impact of the building would be exacerbated by its siting so close to the boundary with the road, as drivers and pedestrians would be confronted by the bulk of the building when travelling along the B3170 from a southerly direction, as well as through glimpsed views between the hedgerow.
8. On account of these factors, the development would harm the character and appearance of the area. It would conflict with Policy PD2 of the Blackdown Hills Area Management Plan, which says all development within the AONB should conserve and enhance its natural beauty and special qualities. This includes a requirement for development to be appropriate in scale and sensitively sited. Similarly, the proposal would conflict with Policy CP8 of the Taunton Deane Core Strategy (2011 – 2028) (Core Strategy), which seeks to ensure development properly conserves the natural environment.
9. The National Planning Policy Framework (2021) (Framework) is also clear that great weight should be afforded to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Biodiversity

10. As mentioned, the proposed building would be sited very close to the boundary with the road, and as a result, would be in very close proximity to the boundary trees and hedgerow. On account of this proximity, the Council's tree officer has indicated that damage to the trees and hedgerow, specifically to their branches and roots, would be inevitable. The officer has also highlighted that the hedgerow would need to be heavily pruned back from the building to prevent contact and nuisance.
11. Whilst the plans indicate that the trees and hedgerow would be retained, no arboricultural assessment nor tree protection plan has been submitted with the proposal. In turn, I cannot determine whether the trees or hedgerow could be adequately protected as part of the development.
12. In the absence of evidence to demonstrate otherwise, I am therefore left with little option but to conclude that the proposal would risk harm to existing trees and hedgerow. Such harm would detract from the verdancy attributed to the roadside boundary treatments, as well as any biodiversity which the trees or hedgerows may support.
13. The proposal would therefore conflict with Policy ENV1 of the Council's Site Allocations and Development Management Plan, which says development should seek to minimise impact on trees, woodland and hedgerows which are of value to an area's landscape and character. The development would also conflict with Policy CP8 of the Core Strategy, which seeks to safeguard the Council's existing network of green infrastructure.

Somerset Levels and Moors Ramsar

14. The appeal site is within the catchment of the Somerset Levels and Moors Ramsar. These protected watercourses are deemed to be in an unfavourable condition by Natural England, due to their extant level of phosphates. The proposal, which would increase the number of the horses within the appeal site, has the potential to increase the nutrient output of the site, which could adversely affect the integrity of these protected sites.
15. I note the appellant has suggested there would be no overall increase to the number of horses within their wider land holding. It is therefore alleged that the proposal would not lead to any net increase in nutrient load. Nonetheless, as I am dismissing the appeal on other grounds, further consideration of this factor, including an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), is not required. I have therefore not addressed this matter further.

Other Matters

16. Whilst the proposal would have benefits in terms of horse welfare, the size and scale of the building would exceed the recommended minimum requirements set out in guidance published by the British Horse Society (BHS Guidance) and DEFRA's Code of Practice for the Welfare of Horses, Ponies, Donkeys and Their Hybrids (Code).
17. In particular, the BHS Guidance suggests that a mare and foal require a minimum floor area of 18m² when housed. The appellant has said that the building would house five mares and foals, equating to a minimum floorspace requirement of approximately 90m². However, the proposed floorspace would be approximately 221m², which would be more than double this requirement. Even accounting for storage space for fodder, this is a substantial margin over and above this minimum requirement.
18. Moreover, the Code suggests there should be a minimum clear space to the eaves of 60-90cm (2-3 ft) above the ears of a horse to its normal standing position. Yet in this instance, the eaves height would be approximately 4.57m, far exceeding this minimum requirement. The height of the doors to the building would also exceed the height recommendations set out in the Code.
19. Whilst the benefits of the scheme are noted, I am therefore not persuaded that a building of the proposed size and scale is necessary to procure the requisite welfare standards. In turn, such benefits would not be sufficient to outweigh the harm to the character and appearance of the area in this instance, nor to the rural beauty of the AONB.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR