



Appeal Decision

Site visit made on 10 January 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2023

Appeal Ref: APP/V3310/W/22/3306592

Bradley Stream Wood, Stagman Lane, Ashcott, Somerset TA7 9BJ

- 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 Nigel Moore, Bradley Stream Wood Produce against the decision of Sedgemoor District Council.
 - The application Ref 01/22/00003, dated 13 February 2022, was refused by notice dated 6 June 2022.
 - The development proposed is siting of a shepherd's hut for agricultural workers welfare and tool storage.
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Decision

1. The appeal is allowed and planning permission is granted for proposed siting of a shepherd's hut for agricultural workers welfare and tool storage at Bradley Stream Wood, Stagman Lane, Ashcott, Somerset TA7 9BJ in accordance with the terms of the application, Ref 01/22/00003, dated 13 February 2022, subject to the conditions in the Schedule to this decision below.

Preliminary Matters

2. I have used the description of the proposal as set out in the appeal form which is more concise than that used in the application form. When considered by the Council, the proposal included new hedge planting. However, at appeal stage the appellant has sought to remove this element from the proposal. The Council has commented on this matter and so I am satisfied that no parties would be prejudiced by my consideration of the appeal on the basis that it excludes the hedge planting.

Main Issues

3. The main issues are:
 - whether the proposal would accord with the Council's strategy for new development in the countryside, having regard to the effect of the proposal on the character and appearance of the area, and
 - the effect of the proposal on the Somerset Levels & Moors Ramsar Site and Site of Special Scientific Interest (SSSI), with particular regard to phosphates.

Reasons

Strategy, Character and Appearance

4. The site consists of agricultural land and woodland in open countryside. The site has been used as an orchard and vegetable gardens, as well as for sheep. Policy CO1 of the Sedgemoor Local Plan (SLP), adopted 2019, requires that a specific countryside need is demonstrated for development such as the proposal. It gives examples of local food production and enhancement of the environment.
5. The appellant proposes to use the land for a business focused on home grown food, woodland crafts and connected activities. Chickens and sheep would be kept on the land by the appellant. It is also intended to enhance the biodiversity of the site through a range of measures. There may also be seasonal employment resulting from the proposal.
6. The size of the holding is relatively small. However, the supporting text to SLP Policy CO1 supports small scale schemes for rural diversification. Policy 10 of the Ashcott Neighbourhood Plan (NP), made June 2016, similarly supports the local agricultural industry and the production of local food. This includes support for small scale or temporary buildings. The proposal is for a shepherd's hut of relatively small size and so broadly complies with this.
7. The shepherd's hut is sought to provide storage for tools and to provide for shelter whilst tending to the land and animals, including during lambing season. The Council and others consider that the current use is low key and question the need for the hut. However, the proposal involves increasing the activities and use of the site, and a timescale for its implementation has been provided.
8. Whilst the appellant currently lives around seven miles away, and uses a campervan to service the land, it seems more practical to use an on-site facility for the enterprise. The proposal relates to both food production and environmental enhancement and so I see little reason to doubt the need for the hut, to develop the business.
9. NP Policy 10 only supports proposals where their visual impact is minimal. Similarly, SLP Policy D19 requires that proposals have no adverse impact on local landscape quality. I saw that the proposal would be visible from the public footpath that runs through the site, with glimpses also available from the road, through the entrance gate.
10. That said, the proposal would be modest in size and would have green coloured tin walls and roof. Its design would be typically rural and so it would not appear out of place. I therefore see little conflict with SLP Policy D2 or NP Policy 1. The hut would be seen against the backdrop of the existing woodland. As such, it would not appear unduly prominent in the landscape. Therefore, whilst it would have some visual impact, this would be limited.
11. However, this degree of visual impact on the landscape is only justified on the basis that the proposal would contribute to food production and environmental enhancement. The appellant has provided details of the enterprise over a three-year period, but I am conscious that the proposal includes elements untried at the site and so there is a degree of uncertainty about its success. The circumstances may therefore change within that period. As such, I consider

that a planning condition would be necessary, limiting permission to a temporary period of three years.

12. I have considered the proposal on its own merits. As such, I see little reason why it would result in cumulative effects from development on other similar parcels of land or undermine the protection of the countryside.
13. I therefore conclude that the proposal would accord with the Council's strategy for new development in the countryside, having regard to the effect of the proposal on the character and appearance of the area. As such, it would comply with SLP Policies CO1, D2 and D19 and NP Policies 1 and 10. It would similarly comply with the National Planning Policy Framework (the Framework) which supports the development of agricultural businesses whilst also recognising the intrinsic beauty of the countryside.

Ramsar/SSSI site

14. The site lies within the fluvial catchment of the Somerset Levels and Moors Ramsar Site, which is also designated as an SSSI. The Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations) requires the decision maker to undertake a Habitats Regulations Assessment where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.
15. The proposal would include a compost toilet and use of the proposal with resultant additional phosphates could potentially give rise to additional nutrient impacts. As such, alone and in combination with other development, the proposal is likely to have a significant effect on the Ramsar Site.
16. I have sought advice from Natural England. They confirm that, subject to the proposal not constituting a dwelling or providing any overnight accommodation, it would not have a likely significant effect on the Ramsar Site. No additional population would be using the site as a result of the proposal, although the Council has expressed concern about the enforceability of a condition preventing overnight use. Instead, a condition could limit use of the hut to welfare and storage use ancillary to the agricultural use of the land and preventing its occupation as a person's sole or main residence. This would prevent additional nutrient loadings onto the Ramsar site.
17. Accordingly, the information before me indicates that the impact of the development could be mitigated by the imposition of and adherence to a planning condition. This would avoid adverse effects on the integrity of the Ramsar Site and the SSSI, and would therefore accord with the Habitats Regulations. I therefore conclude that the proposal would have a neutral effect on the Somerset Levels & Moors Ramsar Site and SSSI, with particular regard to phosphates. As such, it would not result in harm to biodiversity and so would comply with the Framework and SLP Policy D20 in this respect.

Conditions

18. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. For the reasons given above, the permission should be made temporary for a period of three years and its use restricted to a welfare and storage facility ancillary to the agricultural use of the land and preventing its

occupation as a person's sole or main residence. Given this, I see no necessity for the condition to also require the hut to be not self-contained, as suggested by the Council.

19. A condition requiring adherence to the approved plans excluding the new hedge planting is necessary for certainty. In the interests of protected species, conditions are required to ensure that any external lighting takes into account the effect on bats and that provision is made for bat and bird boxes.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

O Marigold

INSPECTOR

Schedule of Conditions

- 1) The use hereby permitted shall be for a limited period being the period of three years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition on or before the date three years after this decision, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NM/SB/01A Sheet 1, NM/SB/01A Sheet 2, TQRQM21219143501046 and TQRQM21219161344185 except in respect of the proposed hedge shown on plan TQRQM21219161344185.
- 3) The shepherd's hut hereby approved shall not be occupied other than as a welfare and storage facility ancillary to the agricultural use of the land and shall not be occupied as a person's sole or main residence.
- 4) No external lighting shall be installed until a scheme for the lighting, designed to mitigate its effect on bats, has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved details and specifications and shall be maintained thereafter in accordance with the approved details. No other external lighting shall be installed.
- 5) The shepherd's hut hereby approved shall not be occupied until a standard woodcrete bat box has been installed onto a mature tree on site, facing south or west, at a height above 3 metres above the adjacent ground level, and a standard woodcrete bird box has been installed onto a mature tree on site, facing east or north, at a height above 3 metres above the adjacent ground level. Once installed, these boxes shall thereafter be retained.

End of Conditions