



Appeal Decision

Site visit made on 11 July 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2023

Appeal Ref: APP/D1265/W/22/3313762

Town Hill Farm, Town Hill, Frampton DT2 9ET

- 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 Hugo James against the decision of Dorset Council.
 - The application Ref P/FUL/2022/03245, dated 20 October 2020, was refused by notice dated 20 September 2022.
 - The development proposed is extension of an existing outside storage facility for the storage of caravans, motorhomes and boats.
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Decision

1. The appeal is allowed and planning permission is granted for extension of an existing outside storage facility for the storage of caravans, motorhomes and boats at Town Hill Farm, Town Hill, Frampton DT2 9ET in accordance with the terms of the application, Ref P/FUL/2022/03245, dated 20 October 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. At Part E of the appeal form, it is stated that the description of development has not changed, but a different wording has nevertheless been entered. While this reflects the description stated on the Council's decision notice, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. An amended location plan with complete blue line has been submitted as part of the appeal. The Council has had an opportunity to comment on the plan. The proposal itself remains the same. Therefore, I see nothing irregular in terms of process and do not consider that any party would be prejudiced by me deciding the appeal on the basis of the evidence presented.
4. Since the Council made its decision, on 5 September 2023, a revised version of the National Planning Policy Framework (the Framework) has been issued. However, the only substantive revisions relate to national policy for onshore wind development in England, and I am satisfied that the changes to national planning policy do not materially affect this appeal. I have taken the Framework into account in reaching my decision.
5. As the appeal is located within Dorset Area of Outstanding Natural Beauty (AONB), I have had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended). The development plan and paragraph

176 of the Framework also seek to protect such designated landscapes, recognise the intrinsic character and beauty of the countryside, and attach great weight to conserving and enhancing the landscape character and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.

6. The Council states that some of the information within the appellant's Statement of Case, namely a Landscape and Visual Assessment (LVA) prepared by Aileen Shackell Landscape Design dated December 2022, was not provided at the application stage. The appeal process should not be used to evolve a scheme. However, the appellant is entitled to respond to the Council's reasons for refusal in their appeal submissions, which may include the provision of further information, as long as the proposal itself remains essentially the same, which it does in this case. The Council has had the opportunity to comment on the content of the LVA. Therefore, I see nothing irregular in terms of process or in the content of the appellant's appeal submissions and do not consider that any party would be prejudiced by me determining the appeal on the basis of the evidence presented.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the extent to which it would conserve or enhance the landscape character and natural beauty of the Dorset AONB.

Reasons

8. The appeal site is a relatively level and modest portion of a larger agricultural field at the edge of land and buildings used in connection with the established storage business that operates from the property. The outside storage areas are enclosed by earth bunds. Access is over a private drive from Roman Road, which is a public highway to the south. A public right of way passes over the access drive and along the eastern side of the appeal site. There is also a public right of way to the south west. Both rights of way are bridleways.
9. The site lies in the Upper Frome Valley Landscape Character Area within the Dorset AONB. Policy ENV1 of the West Dorset, Weymouth and Portland Local Plan 2015 (the LP) sets out that development will only be permitted where it would not harm the character, special qualities or natural beauty of the Dorset AONB and requires appropriate measures to moderate any adverse effects of development on the landscape. Policy ENV10 of the LP is also of relevance in that it requires development proposals to contribute positively to the maintenance and enhancement of local identity and distinctiveness.
10. The local landscape character is noted for its undeveloped rural character and sense of seclusion and tranquillity. The appeal sits amongst farmland, principally comprising large arable fields scattered with woodland, with isolated farmsteads and buildings, including those at Hogleaze Farm and Town Hill Farm. It occupies an elevated position, with open views to the east over a rolling landscape. The existing storage compounds and buildings lie to the north. Woodland lies to the west and extends around the northern side of the existing business site, including Town Hill Farm. Farmland lies to the south.

11. The proposal would add additional development, including with engineered bunds, into the landscape, but the development would be a subservient addition to the existing storage site. Nonetheless, it would impact on the character of the site and reduce its openness and greenery in this elevated and remote area.
12. As demonstrated in the Landscape and Visual Impact Assessment and as observed from my site visit, whilst the site is exposed to the east and the proposal would be noticeable from positions in the wider landscape, including from Roman Road, these would generally be glimpsed views. Moreover, the proposal would be viewed in the context of the existing storage facility and buildings. The latter of which are much taller and more noticeable. The development would however be clearly visible as you approach along the bridleway to the south and from where it passes along the eastern side.
13. Given the proximity of the existing storage facility and its distinctive appearance, the form of the proposed development would not appear out of keeping with the surroundings. The bunds would provide a high-level of screen to the caravans, motorhomes and boats stored within the site. The development would have an engineered form, but it would match the existing development and would appear as a modest extension with a close backdrop of woodland and the existing storage facility. Given the context and scale of the existing development, the proposal would not appear as an unacceptable encroachment into the rural setting of the site, nor would it appear out of character in this part of the landscape. Existing woodland and buildings would provide significant and immediate screening on two sides.
14. Furthermore, large-scale native woodland planting is proposed within the area of the field to the south as indicated on Figures 2, 3, 4, 5 and 6 of the Town Hill Farm appeal response: landscape and visual effects document, dated December 2022 (LVE). This would link with the existing woodland and support an existing characteristic of the landscape. Hedge planting is proposed along the east side of the access drive and at the toe of the east side of the bunds. This would also contribute to screening the existing storage areas and buildings, which is a benefit of the proposal.
15. The planting scheme would provide significant landscape infrastructure that would contribute to providing screening of the development. I acknowledge that it would take a number of years for the planting to reach a level that would fully screen the development. However, on balance, a sufficient level of screening would be achieved within a relatively short period of time to mitigate the visual impact of the development on the landscape to an acceptable level.
16. The proposed mitigatory screening would be on land outside the application site. However, section 72(1)(a) of the Town and Country Planning Act 1990 (as amended) is clear that conditions may be imposed regulating development or use of land under the control of an applicant even if it is outside the site which is the subject of the application. The appellant has adequately demonstrated that the relevant land outside the red line site is owned by them.
17. Whilst close views of the appeal scheme would be achieved from the public bridleway, it would appear as a small addition to the existing storage facility. It would not appear particularly prominent in this context and the operations that take place on site. It would be read as a subservient part of the existing development.

18. For these reasons, the form and appearance of the development would not appear out of keeping with the surroundings and it would not be so significant that it would detract from the wider qualities of the AONB.
19. In order to provide an area around the site for air circulation to reduce potential for algal growth on items to be stored within the appeal site, a grass and wildflower meadow is proposed immediately to the south. I have little substantive basis to consider that, subject to selection of appropriate woodland edge/shade tolerant species mix, the proposed meadow would not establish itself in this location.
20. In summary, the development would be relatively modest in scale and would include significant mitigatory screening. It would occupy a relatively level area and would be viewed in the context of the existing storage areas and buildings adjoining the site. It would have a close backdrop of woodland and the existing development and would be designed so that it does not detract from the local landscape character. Consequently, the proposed development would not be out of keeping with the character and appearance of the area and would conserve the landscape character and natural beauty of the Dorset AONB.
21. Therefore, taking into account its nature, scale and setting and that it would not have a significant adverse impact on the purposes for which the area has been designated, the proposal is not 'major development' in an AONB. As such, the development would comply with Policies ENV1 and ENV10 of the LP and paragraphs 174 and 176 of the Framework, which seek to protect local character and landscape, especially within AONBs.

Other Matters

22. Whilst a scheme for landscape planting required in accordance with a previous planning permission (reference WD/D/17/002066) has not been carried out, this does not amount to reasons to refuse or delay the grant of planning permission. I note the appellant's comments regarding the previously approved landscaping scheme but that is not a matter for this appeal.
23. I note the concerns regarding potential future development. As no such works are shown on the proposed plans, I cannot consider them in this appeal and a further planning application may therefore be required. As such, this does not provide justification to refuse planning permission.

Conditions

24. A list of conditions has been sent to both parties, of which have been incorporated from those within the main parties' appeal evidence. I have amended them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance. I have limited the use of pre-commencement clauses to where it is essential for the condition to achieve its purpose.
25. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty. In the interests of biodiversity, a condition is required to secure measures set out in the Biodiversity Plan. To protect the setting of the AONB and the character and appearance of the wider landscape, a condition to secure appropriate landscaping, including an implementation programme and maintenance schedule, is necessary and reasonable.

26. Given the integral nature of the landscaping elements to achieving an acceptable development in the AONB, it is necessary to secure the details prior to commencement as well as securing their implementation, maintenance and retention. I have not included the appellant's suggested condition to supply a 15-year landscape maintenance schedule. This would not necessary ass condition No 4 addresses landscaping works, including the submission of a landscape maintenance schedule.

Conclusion

27. For the reasons given above and taking into account the development plan as a whole and all other material considerations identified, I conclude that the appeal should succeed.

J White

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:7500 scale location plan; 1:1250 scale site plan; Elevations, floor plan and cross sections – 3101/25568/AJM/01; and, Block plan – 3101/25568/AJM/02.
- 3) The measures set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team on 04/12/2020 shall be strictly adhered to. The development hereby approved shall not be occupied until the measures detailed in the approved Biodiversity Plan have been completed in full and evidence of compliance, in accordance with section J of the approved Biodiversity Plan, has been supplied to the Local Planning Authority. Thereafter, the approved measures shall be maintained and retained in accordance with the approved details.
- 4) No development shall commence until full details of all landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of all landscaping, including the planting of live trees and hedgerow plants, an implementation programme and a Landscape Maintenance Schedule in accordance with Figures 2 to 6 of the 'Town Hill Farm appeal response: landscape and visual effects' document prepared by Aileen Shackell Landscape Design and dated December 2022.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation/use of any part of the development. The approved landscaping scheme shall be maintained in accordance with the approved scheme thereafter. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced no later than the next planting season with others of similar size and species.

*****End of Conditions*****