

Appeal Decision

Site visit made on 10 September 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/F9498/W/24/3340990

Land adjacent to Bidgoods, Bury, Dulverton, Somerset TA22 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Melanie Grimaldi against the decision of Exmoor National Park Authority.
 - The application Ref is 6/3/23/008.
 - The development proposed is building for storage ancillary to the use of land for horticultural purposes.
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Decision

1. The appeal is allowed and planning permission is granted for building for storage ancillary to the use of land for horticultural purposes at Land adjacent to Bidgoods, Bury, Dulverton, Somerset TA22 9ND in accordance with the terms of the application, Ref 6/3/23/008, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing no A-2101-01.
 - 2) Within 6 months of the date of this permission, the building approved herein shall be completed with a pitched corrugated steel roof and clad in untreated larch or cedar timber as specified in the approved plans. The building shall be maintained in this condition thereafter.
 - 3) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on the development hereby approved unless details have first been submitted to and approved in writing by the local planning authority. The external lighting shall thereafter be installed and operated fully in accordance with the approved scheme.
 - 4) Within 12 months of the date of this permission, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: -
 - i. a plan(s) showing details of all existing trees and hedges on the application site.
 - ii. a plan(s) showing the layout of proposed tree, hedge and shrub planting.

- iii. a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- iv. a written specification outlining cultivation and other operations associated with plant and grass establishment.
- v. a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the approval of the landscaping scheme.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification), express planning permission shall be obtained for any development under Class R of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Preliminary Matter

- 2. At the time of my site visit, I saw that the development described in the banner heading above was substantially complete. However, I also note that the application has been submitted, in part, retrospectively, with part of the proposal involving the modification of the storage unit and the incorporation of landscaping. I have therefore dealt with the appeal on that basis.

Main Issues

- 3. The main issues in this appeal are:

- whether it has been demonstrated that there is a functional agricultural need for the building; and
- the effect of the proposal upon the character and appearance of Exmoor National Park.

Reasons

Functional Agricultural Need

- 4. The appeal site relates to a parcel of land situated to the east of the dwelling known as Bidgoods. The land area served by the building is approximately 0.3Ha. It is used for the storage of horticultural and bee keeping equipment in association with the horticultural operations on the land, as well as its general maintenance. The floor area of the building is 8sqm.
- 5. Policy SE-E4 of the Exmoor National Park Local Plan 2011 – 2031 (Local Plan) (adopted 2017) relates to agricultural and forestry development. It states that permission will be granted for new buildings required for agricultural purposes

where it can be demonstrated there is a functional need for the building, and its size and scale is commensurate with the demonstrated need.

6. The Authority accept that the definition of 'agriculture' in the Town and Country Planning Act 1990 (as amended) includes horticulture. The appellant has set out the horticultural uses on the site. They have planted several rare apple species that would be used by the local cider makers, when the trees have matured. The honey produced in the 6 hives on site would also be sold. The appeal scheme would therefore support these horticultural activities.
7. However, whilst I acknowledge the concern of the Authority, there is no policy requirement for the appellant to demonstrate a horticultural 'business'. Consequently, there is no obligation for the appellant to establish that the scale or nature of the activities on site would 'constitute a viable business' nor does the site need to be 'operated as a recognised agricultural or horticultural enterprise' in order to benefit from the building.
8. I am satisfied that the land requires regular maintenance, and that equipment is necessary for the horticultural uses. The size and scale of the development, which the appellant states is 'approximately 50% of the size of a domestic garage' is commensurate with the demonstrated need, to support the functional need of the small scale horticultural uses on the appeal site.
9. Concerns have been raised that the occupants of Bidgoods already benefit from 3 sheds in their private garden which could be 'repurposed for garden/bee-keeping equipment'. However, my site visit confirmed that due to the different levels within the private garden at the appeal property, it would not be practical to store the small tractor or other larger equipment in these sheds. The changes in levels would prevent access to the land in question. I also noted that one of these other buildings is currently used as a home office and another as a separate laundry/utility room for the main dwelling. Therefore, I am persuaded that the functional need could not be fulfilled by an existing suitable or available building.
10. Therefore, based on the evidence before me, I am satisfied that there is a functional agricultural need for the building. The development is in accordance with Policy SE-E4 of the Local Plan which supports new agricultural buildings where it can be demonstrated there is a functional need for the building and its size and scale is commensurate with the demonstrated need.

Character and Appearance

11. The appeal development is located along the southern boundary of the parcel of land within which the horticultural activities take place. It is positioned to the east of Bidgoods, away from any of the existing buildings on site. The design of the modified building would result in a small storage building, with timber cladding on the side elevations, and a pitched dark grey corrugated steel roof. The site lies within Exmoor National Park (ENP).
12. Rather than being an 'open' space as described by the Authority, the site of the development is actually relatively contained within the wider parcel of land. An existing fence, mature tree and hedgerow runs along the south boundary, along with a 5 bar field gate. There is also a cluster of smaller trees

and vegetation to the west of the building. In an otherwise sloping topography, the building is sited on a relatively level parcel of land.

13. The development is a new building where there was previously no built form so it would 'alter the landscape', as argued by the Authority. I also acknowledge that Policy SE-E4 of the Local Plan discourages new isolated buildings 'unless it can be demonstrated that there are exceptional circumstances relating to an overriding functional need for a more isolated location'.
14. However, whilst the appeal building is located away from other buildings, its siting utilises the sloping topography to reduce its visual impact and takes advantage of the screening afforded by the existing field boundaries. Furthermore, the slope of the field extends further up beyond the building, which softens its impact, both visually and on landscape character. Its siting allows it to relate well to its functional need, taking in to account the sloping topography as well as ensuring that the setting, and consequently the significance, of Bidgoods, a Grade II Listed Building is preserved. Therefore, taking in to account the functional need of the horticultural use and the sites other constraints, the location of the building is appropriate in these circumstances.
15. I accept that the building is visible within the site itself, as alleged by the Authority. However, due to its appropriate siting and small scale, I did not see the building as being particularly prominent or significantly incongruous in the landscape. The corrugated steel roof and timber cladding would reflect the local landscape character. In addition, the proposed landscaping scheme, which could be secured via a suitably worded condition, would help to anchor the building into the surrounding landscape and would mitigate any wider views of the building, especially when viewed from the north. There would be no external lighting and a suitably worded condition would control the specific details of any lighting required. In my mind, taking into account the special characteristics of the area, the proposal would conserve the high quality, diverse and distinct landscapes of ENP.
16. Therefore, for the above reasons, I conclude that the development would not harm the character and appearance of ENP. It would be in accordance with Policies CE-S1, CE-D1 and SE-S4 of the Local Plan. In combination, these policies seek to ensure that the high quality, diverse and distinct landscapes and seascapes of ENP will be conserved and enhanced, through ensuring that the visual impact of the development in its immediate and wider setting is minimised through high quality design that reflects local landscape character with particular regard to scale, siting, materials, and colour. New isolated buildings will not be permitted unless there are exceptional circumstances.

Other Matters

17. As mentioned above, Bidgoods is a Grade II Listed Building. It dates from the early 18th Century. It has a thatched roof hipped to east and is rendered over cob. Its significance for the purposes of this appeal lies primarily within its architectural details, and historical value and built form. The setting of the listed building includes those areas in close proximity to it, which are part of the surroundings in which the heritage asset is experienced. Given that I have found no harm to the character and appearance of the area, I consider that

the development avoids harm to the setting of the listed building, and thus the significance of the designated heritage asset is preserved. Notably, the Authority has not raised an objection to the development on the grounds of the listed building and based on the information before me, I have no reason to come to a different conclusion on the matter.

Conditions

18. The standard time limit condition is not required as the development permitted has already been implemented. A condition requiring compliance with the relevant plans is however considered necessary in the interests of certainty. A condition which requires the modifications to the existing structure to be carried out is also necessary in the interests of the character and appearance of ENP.
19. As already alluded to, to ensure ENP's special landscape qualities are conserved, conditions are both reasonable and necessary to secure a suitable landscaping scheme, as well as a condition to control any external lighting.
20. The appellant has queried the requirement to restrict the use of the building to agriculture as set out in the Authority's suggested condition 4. I agree that it would not be reasonable or necessary to include this condition as if the building was no longer being used for agriculture, a new planning permission would be required, as an alternative use would not be permissible under this permission.
21. However, I am satisfied that a condition to remove permitted development rights, as suggested by the Authority's condition 5, is reasonable and necessary as this is a requirement of criterion 3 of Policy SE-S4 of the Local Plan.

Conclusion

22. For the above reasons, the appeal is allowed, and planning permission hereby granted, subject to the conditions set out above.

Laura Cuthbert

INSPECTOR