



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: 04 October 2024

Appeal Ref: APP/E3335/W/24/3342356

Land at Fernacre, Bilbrook (Easting 302674, Northing 141661)

- 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 Hodgetts Farming Ltd against the decision of Somerset Council.
 - The application Ref is 3/26/23/013.
 - The development proposed is New Agricultural Barn (Grain Store), together with associated new concrete apron and extended access track.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site relates to a parcel of land situated to the northeast of the A39 at Bilbrook. There is an existing access track off the A39 that runs to the south of the site, from which the new access track to serve the proposal would run from. The topography of the site is such that the land steeply rises up from the access track to the south, leading to a relatively level parcel of land, upon which the proposed building would be sited. To the west of the site, there is a small copse of trees. A Public Right of Way (PROW)¹ runs along the northern boundary of the field within which the proposal is sited, with a number of other footpaths in the wider landscape.
4. The site is located within an open countryside setting. Apart from Bilbrook to the south and Carhampton and Blue Anchor to the north, the land in between the A39 and the West Somerset Railway, where the appeal site is located, consists of undulating farmland, with only a handful of sporadic pockets of residential and agricultural buildings visible in the immediate landscape. The undeveloped, open nature of the appeal site contributes positively to the character and appearance of the agrarian nature of the open countryside location and the local landscape character.
5. The appeal site is also within the Blue Anchor Flats Sub Area of the Blue Anchor Bay Landscape Character Area as defined within the West Somerset Landscape Character Assessment (LCA) (adopted 1999). Key landscape characteristics and features include the field pattern, and hedges and small copses.

¹ Footpath WL 18/12

6. The proposed building, by virtue of its height, massing and siting would represent a prominent, and incongruous addition to the open countryside. It would appear as a large, isolated structure in this part of the open countryside, having no relationship with any of the existing buildings or farmsteads in the area. Its elevated position on a ridge would also further emphasise its incongruity in the rural area. As such, the proposal would unacceptably introduce substantial built development into the open countryside that would harm the quality and integrity of the local landscape character, failing to have regard to the local landform.
7. The proposal is clearly an agricultural building, which would in itself, not be out of character with its rural surroundings. However, due to its height at just over 11m to the ridge, it would appear as much taller than any other built form in the vicinity. Its dominant position on the higher ground would result in a building which would be out of place and harmful to the character and appearance of the area.
8. The appellant submitted a Landscape and Visual Appraisal (LVA)². It concludes that pre-mitigation, the overall level of effect of the proposed development is considered to be Moderate – Moderate/Minor. The proposed grain store would be set into the hillside with new bunding around, which would help to mitigate the visual impact of the proposal. As well as the bunding and associated planting, further landscape mitigation is proposed which includes a woodland copse enclosing the access track, a new mixed native hedge along the existing access track to the south, the filling in of hedges, both on-site and off-site, and a further woodland copse to the south of the existing access, close to the A39. Once the landscape mitigation is established, the LVA concludes that the overall level of both landscape effect and visual effect would be reduced to Moderate/Minor. It is recognised that the suggested extensive landscape mitigation would all be on land within the ownership of the appellant.
9. However, the bunding, which would be up to 2m in height with native shrubs and trees planted on top, would also be visually intrusive and would represent an unnatural feature in the local landscape. By trying to screen the proposed building, the proposed landscaping would serve to isolate the building, rather than assimilating it into the landscape. Furthermore, whilst the proposed planting would have a screening effect, this would not be for many years and would not provide year round screening. Additionally, despite the introduction of the bund, as a result of the building measuring just over 11m in height, a significant proportion of the roof, approximately 6m, would still be visually intrusive above the bund when viewed from the south. The proposed grain store would remain excessively large and out of scale whether partially hidden or not.
10. I noted from my site visit that from the wider viewpoints along the network of PROW's, direct views of the proposal would be limited due to the topography of the landscape or as a result of established field boundaries screening wider viewpoints. My visit also confirmed that for vehicles travelling south along the A39, views of the proposal would be restricted, in part due to the topography and the existing woodland copse. Furthermore, I acknowledge the further planting to the northwest of the proposal, which would further restrict any glimpsed views.

² Prepared by WH Landscape Consultancy Ltd, Ref 23.1653, Rev A dated July 2023.

11. However, the proposal would be highly visible from a section of the footpath which runs to the north. Open views would also be possible from the A39 to the south, for those travelling north, over the open flat fields that lie to the south of the appeal site. From these viewpoints, the proposal would be a prominent and incongruous building.
12. It is noted that the wording of Policy NH5 of the West Somerset Local Plan (Local Plan) (adopted 2016) is to 'minimise', rather than prevent, any adverse impacts on the quality and integrity of the landscape, as stated by the appellant. It is also acknowledged that 'just because a development is visible does not automatically mean that it is adversely affecting landscape and visual receptors', also stated by the appellant. Nevertheless, rather than the design of the appeal proposal responding to the local landscape context, the siting of a 11m building in an elevated position, which requires an extensive landscaping scheme, would fail to 'minimise' any adverse impacts to a satisfactory level. The proposal would be unacceptable to the open agrarian character of the local landscape, resulting in material harm to the character and appearance of the area.
13. Both parties have discussed alternative locations and the appellant states that 'several other sites on the holding were considered as part of a thorough appraisal but deemed unsuitable for several reasons'. Highways, flooding, utilities and landscape were some of the reasons given. The appellant states that 'the site has been selected to limit the landscape and visual impact of the development, ensure it is served by an appropriate access, and meets the operational requirements of the agricultural enterprise'. However, given the elevated nature of the appeal site, along with the necessary landscaping proposed, I am not convinced, based on the evidence before me, that the appellant has adequately explored whether there may be less harmful alternatives, most notably in regard to landscape.
14. It is acknowledged that due to the use of the proposal as a grain store, there is a requirement for the building to be high and that the 'buildings design has been given significant consideration to ensure that it offers modern, compliant infrastructure and safe working conditions to store grain long-term'. I also recognise that the proposal would contribute towards the operational efficiency and growth of the farming enterprise, that would 'benefit existing employment activities and agricultural businesses' as alleged by the appellant. The appellant also states that 'with no current long-term modern grain storage facilities, the proposed building is required and suitable for the long-term viability of the business'. Nevertheless, whilst I recognise the economic benefits the proposal would bring to the appellant's farming enterprise, these matters, alongside the lack of any landscape designations on the appeal site, would not outweigh the harm I have identified above.
15. Therefore, for the reasons set out above, the proposal would harm the character and appearance of the area. It would be contrary to Policies NH5 and NH13 of the Local Plan and Saved Policy BD/6 of the West Somerset District Local Plan (adopted 2006). In combination, these policies seek to ensure that new agricultural buildings will be permitted where the siting has regard to existing landscape features, local landform and tree and hedgerow cover and requires development to be located and designed in such a way as to minimise adverse impact on the quality and integrity of the local landscape character area. New development will be expected to meet the highest standards of

design, taking in to account the constraints and opportunities of the sites and its surroundings to ensure the proposal makes a positive contribution to the local environment.

16. It would also be contrary to the Somerset West and Taunton Design Guide (adopted 2021) which states that new agricultural buildings should avoid hilltop or exposed locations, where the visual impact of the buildings will be greatest. It also states that the construction of bunds can be visually intrusive. The proposal would also conflict with the principles within Chapter 15 of the National Planning Policy Framework 2023, in regard to the conservation and enhancement of the natural environment, in particular paragraph 180 which states that planning decisions should recognise the intrinsic character and beauty of the countryside.

Other Matters

17. I acknowledge the lack of objections from the Council in regard to other site specific or potential wider impacts such as the impact on highway safety, ecology, or drainage. Nevertheless, the lack of objection from the Council on these matters, alongside the support of the registered owner of the field immediately to the south of the appeal site, would not alter or outweigh my findings on the main issue.
18. The appellant has also queried whether the landscape officer fully assessed the amended scheme upon which the decision was based, although I note that the Council has confirmed that the amendments did receive 'appropriate consideration'. However, whilst this confusion might have been frustrating for the appellant, they do not materially affect my consideration of the planning merits of the appeal proposal.

Conclusion

19. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR