



Appeal Decision

Site visit made on 26 November 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/D0121/W/24/3342265

Barton Rocks, Barton Road, Winscombe, North Somerset BS25 1DU

- 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 D Aravantinos and E Gibson against the decision of North Somerset Council.
 - The application Ref is 23/P/1739/FUL.
 - The development proposed is described on the application form as 'Amendments to planning application 22/P/0139/FUL, being change of use of an agricultural building to equestrian use to include an extension to the east and west elevations and alterations to the roof construction to the south elevation'.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of an agricultural building to equestrian use to include an extension to the east and west elevations and alterations to the roof construction to the south elevation at Barton Rocks, Barton Road, Winscombe, North Somerset BS25 1DU in accordance with the terms of the application, Ref 23/P/1739/FUL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The description of development I have used in the formal decision above, more succinctly describes the development proposed than the one set out on the application form.
3. The Council's second reason for refusal refers to, amongst others, Policy DM45 of the North Somerset Development Management Policies Sites and Policies Plan Part 1 adopted July 2016 (DMP). This relates to the conversion and re-use of rural buildings to residential use. However, the Council acknowledge in their submissions that the appeal proposal does not propose a residential use so no conflict with Policy DM45 of the DMP would occur. Accordingly, I have not considered this further.
4. On 12 December 2024 a revised National Planning Policy Framework (the Framework) was published. There have been no fundamental changes relevant to the main issues in this appeal. Therefore, I will not prejudice any party by taking the Framework into account in reaching my decision.

Main Issues

5. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the appeal building and the wider area including the Mendip Hills National Landscape (NL); and
- The effect of the proposed development on the integrity of the North Somerset and Mendip Bats Special Area of Conservation (SAC).

Reasons

6. The existing building, the subject of this appeal, comprises concrete block and timber clad elevations under a pitched tiled roof with a lean-to addition to one elevation. The building has a simple, functional appearance. The Council have accepted the principle of an equestrian use at the appeal site and physical alterations to the building by granting planning permission for an earlier proposal¹.
7. Together with alterations to the ground levels around the building, the appeal proposal would substantially increase the overall height, scale and mass of the building. Whilst it would alter its appearance, the proposal incorporates three simple pitched roofs which step down along the length of the building. Together with the use of timber cladding under a clay tile roof, the building would have a functional appearance which would not be at odds with the appearance of the existing building. Accordingly, the proposed alterations to the building would not harm its character and appearance.
8. An area at first floor level is proposed for use as a tack room and for storage. Given that the existing building includes a first floor area and contains high level window openings on the south elevation, the provision of an enlarged first floor area in the appeal building would not be out of place.
9. The appeal site is located in the NL (formerly the Mendip Hills Area of Outstanding Natural Beauty). One of the key characteristics of the E1 Mendip Combes and Ridges landscape character area² is its elevated ridges and extensive areas of woodland which create an enclosed wooded landscape with occasional dramatic views out. The residential dwelling of 'Barton Rocks' occupies once such elevated ridge. That said, the building the subject of the appeal, occupies a level plateau to the east which is enclosed by dense woodland to the north and rising land to the east and south. Even with the removal of two trees identified as having Ash die-back, the proposed building would still be well screened from the north. As a result, the main views of the building are from the south including various points along nearby public footpaths.
10. The public footpath located to the south of the application site is slightly elevated. This means that users of the footpath travelling in a westerly direction would largely be looking down onto the appeal building and the dramatic views northwards would not be interrupted. Even at the point where the footpath draws level with the appeal site, there is existing planting which would screen views of the building.

¹ LPA Ref: 22/P/0139/FUL Change of use of agricultural land to equestrian use land. Siting of all-weather riding arena, change of use of agricultural building to equestrian use to include an extension to the east and west elevations and alterations to the roof construction to the south elevation, construction of manure store.

² North Somerset Council Landscape Character Assessment Supplementary Planning Guidance September 2018

11. Users travelling eastwards on the footpath would pass 'Barton Rocks' before the appeal building came into view. The appeal site is set some distance away from the dwelling so the appeal building would not dominate the main dwelling. From here and the footpath to the west of the appeal site, the building would be set against the rising land to the east where there is a sand school elevated above the appeal site. Therefore, users of the footpaths in the vicinity of the appeal site experience a landscape which is not devoid of buildings.
12. As the appeal building would be seen from relatively limited locations and seen in the context of other built development close to the site, the proposal would not affect the way in which the NL is experienced by users of the public footpaths to any harmful extent.
13. The Mendip Hills AONB Unit refer to the site being visible from open access land at Barton Hill but this would be at some distance and for the aforementioned reasons, the proposed development could be accommodated within the landscape without harm to the key features and characteristics of the landscape.
14. I have had regard to Section 85 of the Countryside and Rights of Way Act 2000, Section 245 of the Levelling Up and Regeneration Act 2023, and Paragraph 189 of the Framework. I conclude that for the reasons given, no conflict would arise with policies CS5 and CS12 of the North Somerset Core Strategy adopted January 2017 and Policies DM10, DM11 and DM32 of the DMP which require high quality design, seek to protect landscape character and conserve the landscape and scenic beauty of the NL.

Habitats

15. The appeal site is within the influence of the SAC. This is one of four European sites in North Somerset, designated because of its importance for Greater and Lesser Horseshoe Bats. The landscapes around the SAC itself are important in providing foraging and commuting habitat needed to maintain the favourable conservation status of the horseshoe bats, which are known to be a very light sensitive species.
16. The adopted SPD³ identifies Bat Consultation Zones (BCZ) A, B and C. The appeal site lies within BCZ C, being the furthest from known roosts, where the SPD advises that developers should take advice from consultant ecologists.
17. The submitted Ecological Impact Assessment (EcIA) acknowledges that whilst there would be no direct impact on linear features or high quality foraging habitat, any external lighting of the site could spill into the woodland alongside the building and disrupt flyways used by bats. This has the potential, both on its own and in combination with other projects, to have a likely significant effect on the qualifying features of the SAC through the disturbance of habitat used by bats. This would compromise the conservation objectives of the SAC such that an adverse effect on its integrity cannot be ruled out. As the competent authority, I must carry out an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) and have consulted with Natural England.

³ North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document, adopted January 2018

18. Conditions preventing external lighting and securing the installation of bat boxes have been proposed by the ecologist in the EcIA to mitigate the impact of the appeal proposal. I am content that such conditions can be imposed and would meet the conditions tests set out in the Framework. This has enabled me to complete my Appropriate Assessment and to conclude that the proposal would not adversely affect the integrity of the SAC. The scheme would comply with the Habitat Regulations.

Conditions

19. I have had regard to the advice in the Planning Practice Guidance and the conditions provided in the Council's statement. I have considered all the suggested conditions and imposed them where they meet the tests set out in Paragraph 57 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
20. In addition to those conditions I have already referred to above and to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. Accordingly, a condition requiring that the materials used in the construction of the building are as set out on the approved drawings, is not necessary.
21. It is necessary to restrict the use of the building to private equestrian use only as activity generally associated with commercial equestrian activities would have the potential to add to the intensity of the equestrian use of the site and to harm the character and appearance of this sensitive rural area. However, a condition requiring a written register to be kept of all horses being stabled at the site to assist the Council with monitoring compliance with condition 3 is not necessary to make the development acceptable.
22. A condition is required to ensure that stable waste and manure is disposed of appropriately to protect the living conditions of nearby occupiers and prevent pollution. A condition is also required to ensure that trees are appropriately protected during construction to protect the character and appearance of the area. However, a condition removing permitted development rights in respect of the provision tracks, hardstandings, shelters, fencing and the parking of vehicles is unnecessary due to the very restricted size of the application site.

Conclusion

23. The appeal scheme would adhere to the development plan and there are no material considerations which indicate otherwise. Accordingly, for the reasons given above, I conclude that the appeal should succeed.

Alison Fish

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: Site and Location Plan 3814-PL-02 Rev A; Proposed Elevations (unnumbered); Proposed Floor Plans H6421/152B
- 3) The stables hereby approved shall be used for private equestrian use only and shall not be used for any commercial riding, horse breeding, livery or commercial training purposes.
- 4) The disposal of stable waste and manure shall be carried out only in accordance with the Waste Management Plan by Greenslade Taylor Hunt dated 9 August 2023.
- 5) No means of external lighting shall be installed on the site or the building hereby permitted unless it is in accordance with details which shall have first been submitted to and approved, in writing, by the local planning authority.
- 6) The development shall be carried out in accordance with the measures outlined in the Ecological Impact Assessment Rev 1 [Report reference: 21-021b-EcIA-CT] prepared by Lakeway Ecological Consultancy dated 17 May 2022. The enhancements set out in section 7 of the Assessment shall be carried out in full prior to the first use of the building and retained thereafter.
- 7) The development shall be carried out in accordance with the Provisional Method Statement and Tree Protection Plan in the Arboricultural Assessment prepared by Tim Pursey dated July 2022.

End of Schedule