
Appeal Decision

Site visit made on 23 May 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/D0121/W/25/3359794

Land To West of Three Oak Stables, Iwood Lane, Bristol BS40 5AA

- 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 Mr McMurren against the decision of North Somerset Council.
 - The application Ref is 24/P/0387/FUL.
 - The development proposed is the erection of ancillary agricultural storage on land used for agricultural purposes, along with access to site, installation of new gates, fencing, landscaping, and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the word retrospective from the description of development above, as it does not describe development. However, for the avoidance of doubt, I saw on site that two shipping containers are in place, albeit they have not been clad with timber cladding and did not have a pitched roof, as is proposed. The gates and fencing are also in place. As such, I have considered the appeal on the basis that the development has already partly taken place.
3. I have no mechanism before me to ensure that the development is temporary or any robust detail for what period it would be required for. As such, I have considered the proposal as permanent.

Main Issues

4. The main issues in this case are:
 - whether the appeal site is a suitable location for the proposal having regard to the development plan and national strategy;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with respect to noise.

Reasons

Location

5. The appeal site lies within the open countryside, as defined by the Sites and Policies Plan (Part 1) (SPP) (2016). The site was previously undeveloped and open.
6. SPP Policy DM53 requires that, amongst other matters, *“proposals for new buildings for business use (B1, B2 or B8 use) on previously undeveloped sites in the countryside will only be permitted where no suitable redevelopment sites or redundant rural buildings suitable for re-use are available” and “it is demonstrated that the use could not be located at existing settlements or that the intended use specifically and measurably benefits from the specific countryside location”*.
7. The supporting text to this policy sets out that only in exceptional circumstances would employment development be allowed in the countryside, however the need to support existing businesses in the countryside is recognised.
8. The size of the building is commensurate with the list of equipment to be stored. The appellant sets out that the existing business entails agricultural contract work and local agricultural operations, however the location of this work is not specified, or even if this work is long term or established in any particular location.
9. As such it is not evidenced that the site is appropriately located to serve the existing business or wider road network, and therefore measurably benefits from the specific countryside location. Moreover, no substantive evidence is before me relating to the availability of suitable existing buildings/sites, whether they are located within the countryside or within existing settlements.
10. Based on the evidence before me therefore, a lack of suitable redevelopment sites or redundant rural buildings suitable for re-use is not therefore demonstrated.
11. As such, I conclude that the appeal site is not a suitable location for the proposal having regard to the development plan and national strategy and is contrary to SPP Policy DM53.

Character and appearance

12. The appeal site consists of a plot of land located adjacent to Iwood Lane, within the open countryside. The site is neighboured by a block of stables, part of which has been converted to residential use, and a bungalow. I observed timber outbuildings/structures within these adjoining properties. This small cluster of development is mostly surrounded by open undeveloped land, giving the area a tranquil, rural character.
13. The site is within the identified River Yeo Rolling Valley Farmland character area set out within the North Somerset Landscape Character Area Supplementary Planning Document (SPD). The SPD described this area as a “rural pastoral landscape”. The landscape strategy is to “conserve the peaceful, rural nature of the landscape” and where development does take place, the sensitive use of materials and quality of design should be encouraged.
14. The appeal site, as a previously undeveloped open parcel, contributed positively to the wider character rural of the surroundings.

15. The two shipping containers on site at the time of my visit are utilitarian and incongruous in this pastoral setting. However, the proposed timber cladding and addition of a pitched roof would ensure that the structures would resemble a simple rural outbuilding. It would sit comfortably within the context of the adjacent and nearby timber outbuildings and stables. Its scale would also be comparable to these nearby structures and would not appear incongruous.
16. The appellant has confirmed that the only hardstanding proposed is the pre-fabricated concrete pads that the structures sit on, which I observed on site. This is not therefore prominent or visually incongruous. Were I minded to allow the appeal, conditions could also ensure that external storage is controlled to prevent any visual clutter in this respect. The positive contribution the appeal site makes to the surrounding character would therefore be maintained.
17. I therefore conclude that the development would not harm the character and appearance of the surrounding area. There is no conflict with the SPP Policies DM10, DM32 and DM53, and Policy CS12 of the North Somerset Core Strategy (CS), which collectively require high quality design that does not have an adverse impact on the designated landscape character.

Living conditions

18. Whilst the site is located in a tranquil rural location, given the minor scale of the development and its use for storage, with only the appellant using the site to retrieve tools or equipment and then leave, any noise effect would be limited and brief. The living conditions of nearby residents would therefore not be unduly affected in this regard.
19. Whilst the reason for refusal relates to noise, the Council's delegated report also makes reference to the effect of external lighting on the living conditions of neighbouring occupants. Were I minded to allow the appeal, this could be controlled through appropriate condition to prevent harm in this respect.
20. As such, the development would not harm the living conditions of the occupiers of neighbouring dwellings, including with respect to noise. The development would not therefore conflict with the protection of living conditions goals of SPP Policies DM32 and DM53.

Other Matters

21. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. The Council set out that the proposal is located within Bat Consultation Zones B (Greater) and C (Lesser). The submitted preliminary ecological appraisal¹ sets out that there are no habitats suitable on site for roosting bats, and that any native hedgerow used by wider bat foraging would be retained.
22. Given that I am dismissing the appeal for other matters, I have not considered this further. However, in the event of another application being submitted, there is a potential need for further investigation.

¹ By Fenswood Ecology June 2024

23. The appeal decisions referenced by the appellant concluded that the proposed structures were associated with adjoining agricultural fields and holdings. As such, they are not directly comparable to the proposal before me.
24. It is not demonstrated that the proposal is the only way to prevent fly tipping on the site or to make efficient use of the site. Similarly, I have seen no conclusive evidence of any other security systems that may be available for the appellants tools and equipment. There is also no substantive evidence before me that the location of the appeal site reduces unnecessary vehicle movements. I therefore give these benefits limited weight. Any benefits in terms of ecological enhancement would be small, given the scale of the development. Consequently, they do not individually or cumulatively outweigh the harm identified in terms of the location of the development.

Conclusion

25. For the reasons set out above the appeal is dismissed.

B Phillips

INSPECTOR