



Appeal Decision

Site visit made on 21 May 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/D1265/W/24/3352481

Mushroom Farm, Cow Lane, Poyntington, Sherborne, Dorset DT9 4LF

- 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 Nathan Hopkins on behalf of Hopkins Estates Ltd against the decision of Dorset Council.
 - The application Ref is P/FUL/2022/02416.
 - The development proposed is the demolition of existing agricultural buildings and polytunnels and the erection of 2 residential dwellings (C3), vehicular accesses and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing agricultural buildings and polytunnels and the erection of 2 residential dwellings (C3), vehicular accesses and associated works at Mushroom Farm, Cow Lane, Poyntington, Sherborne, Dorset DT9 4LF in accordance with the terms of the application, Ref P/FUL/2022/02416, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs was made by Mr Nathan Hopkins on behalf of Hopkins Estates Ltd against Dorset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description in the banner heading and formal decision above is taken from the application form. However, I have deleted the superfluous words that are not acts of development.
4. A unilateral undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal, to secure the planting of a deciduous woodland and subsequent maintenance to mitigate any effects of the development upon the Somerset Levels and Moors Special Protection Area and Ramsar Site. I shall return to this matter later in my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site comprises a modern steel portal framed agricultural building and polytunnels adjacent to the highway, located between a newly constructed detached dwelling known as Vespers and the detached dwelling at Mushroom Farm. The site is beyond the main built-up part of the village of Poyntington, set within the immediate context of sporadic residential development, comprising generous detached dwellings on spacious plots, which extends outwards along the road. The agricultural nature of the site and adjoining open countryside, contributes positively to the semi- rural character and appearance of the surrounding area.
7. The appeal proposal seeks to demolish the existing barn and polytunnels and build 2 detached dwellings and detached garage/store buildings. It would introduce residential development at the site and associated domestication, which would alter its appearance.
8. The proposed detached dwellings would be fairly substantial properties comprising single storey and 2 storey elements. However, the recessed mid-section and variation in ridge and eaves heights, which break up the overall bulk and mass of the buildings, mean the buildings would be relatively low profile in the most part. Moreover, the dwellings would be of a traditional form with pitched roofs and projecting gable features. They would be constructed using a combination of materials including natural local stone and cedar cladding, with tiles and natural slate roofs, and a small section of standing steam, which would not be dissimilar to those used in the neighbouring dwelling. While there are elements of glazing, these would not be excessive given the overall proportions of the buildings. Taking these factors into account, the proposal would therefore generally reflect the scale and appearance of the surrounding properties.
9. The dwellings would sit on plots similar in size to the properties nearby. They would be orientated to front the highway, running parallel with it, with detached garage/store outbuildings to the front, which is a similar arrangement to the neighbouring properties, to which they would be well related both visually and spatially. The footprint of the proposed dwellings would not project beyond the rear elevation of the remaining polytunnels or Mushroom Farmhouse beyond them and would be set back from the rear wall of the neighbouring property, Vespers. Consequently, neither the dwellings nor the rear garden areas would encroach beyond the extent of the nearby development into the adjoining agricultural land. The spacious nature and in particular the width of the plots mean that, despite the footprint and resulting breadth of the front elevations of the properties, space would be maintained between the built form which would allow views across the site towards the open countryside beyond. In light of these considerations, the proposed dwellings would not appear discordant in this location or at odds with the prevailing pattern of development.
10. The Council indicate that the site is located within the Yeovil Scarplands National Character Area (CA), which comprises a series of broad ridges and steep scarps separating clay vales, and where development is set within agricultural land, which is a predominant characteristic of the area. The appeal site occupies a lower ground level than the adjoining highway, which, together with the mature hedge and trees to the highway boundary, means that the dwellings would not appear unduly conspicuous from the road. Furthermore, by virtue of the overall height and

scale of the buildings, in longer distance views towards the site, including from the public right of way N27/6, they would be seen against the rising land adjacent to the highway and existing boundary planting, and would not appear unduly visually prominent. Thus, for the reasons set out above, given that the proposal would be sympathetic to the site context, it would not diminish the semi-rural character of the area or the landscape qualities of the CA.

11. The proposed dwellings have the potential to emit lighting during hours of darkness. However, due to the overall height and design of the dwellings, there would not be an excessive amount of glazing above ground floor level, so any effects could be mitigated to a degree by appropriate boundary treatment, which could be secured with a suitable planning condition. Consequently, the levels of light from the development would not be unduly intrusive, particularly given the context of the surrounding residential development, and would not have a significant effect on the rural character of the wider area.
12. I therefore that the proposal would not harm the character and appearance of the area. Accordingly, it would not conflict with the aims of Policies ENV1, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2011-2031, adopted 2015 (LP) which seek development of a high quality design, which is informed by and respects the character of the site and its surroundings and does not detract from the local landscape character.

Appropriate Assessment

13. The appeal site is within the hydrological catchment of the Somerset Levels and Moors Special Protection Area and Ramsar Site (European sites). The sites are designated for their internationally important wetland habitats and species, including wintering waterbird populations. There is potential that the appeal proposal, for 2 new dwellings, in combination with other development, could contribute to the unfavourable condition of the European sites through an increase in foul water produced in the catchment area, leading to high levels of phosphorus.
14. To mitigate the phosphorus load and any adverse effects on the integrity of the sites, the proposal includes the provision of package treatment plants (PTPs) to serve the proposed dwellings, together with an area of woodland planting. This would offset the omission of phosphorous from the treatment plants to achieve nutrient neutrality. The signed UU submitted as part of the appeal provides for the planting and future maintenance of the woodland, and the installation of the PTPs could be secured through a suitable planning condition. The Council has confirmed that, subject to these mitigation measures, the proposal would not harm the integrity of the European sites.
15. I have had regard to the response of Natural England, which indicates that, based on water use of 120 litres per person per day supplying the PTPs and the establishment of the new woodland, the scheme would become nutrient neutral, and as such it has no objection to the granting of planning permission. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am satisfied that adverse effects on the integrity of the European sites will be avoided.

Other Matters

16. The Council acknowledge that the proposal, for open market dwellings in the countryside, would conflict with the spatial strategy for the location of new development set out in Policy SUS2 of the LP. However, it recognises a fallback position whereby 2 dwellings could be built on the site.
17. Given my findings in relation to the main issue, whether the effects of the proposal would differ from that of the prior approval under Class Q permitted development rights to allow the barn on part of the site to be converted to 2 dwellinghouses, is not determinative to the appeal in that regard. Furthermore, there is no clear evidence that the loss of the polytunnels would have any meaningful effect on the function of the farmhouse at Mushroom Farm.
18. Interested parties have expressed concern regarding the potential for further development beyond the appeal site in the future. There is no clear reason why, should future proposals come forward, that it would undermine the Councils ability to exercise its judgement in relation to similar development proposals on this or other sites, given that each case is determined on its own merits, having regard to the particular circumstances of the site.
19. Given the residential nature and scale of the development, for 2 residential properties, there is no compelling evidence that the proposal would generate levels or types of noise that would harm the living conditions of the occupiers of nearby properties through noise or disturbance.
20. Whether or not activity which has taken place at the appeal site and on adjoining land is unlawful, together with the alleged breach of planning condition, is a matter for the parties to resolve outside of this appeal.
21. Interested parties suggest that a limited number of more affordable smaller dwellings on the site would be more appropriate. I understand the benefits of such provision, however I am not aware of any specific policy requirement in this case, or that there is not a demand for larger properties such as those proposed.

Conditions

22. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance (PPG) and the Framework. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans to provide certainty. The drawings also include details of the external materials to be used, the height of the building and finished levels, so separate conditions in that regard are not necessary.
23. In order to conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with the Framework, a condition is necessary to ensure the development is carried out in accordance with the details contained in the submitted Biodiversity Plan.

24. In the interests of the character and appearance of the area and to safeguard the living conditions of future occupiers of the dwellings, a condition is necessary to ensure the removal of the existing agricultural structures from the site.
25. A Tree and Planting Schedule and Landscape Maintenance and Management Plan in relation to the woodland planting to avoid any adverse effects upon the integrity of the European sites were submitted as part of the application. These are to be implemented in accordance with the provisions of the UU. I have not been provided with robust reasons as to why further conditions requiring the submission of information pertaining to these matters is required, therefore I have not imposed them.
26. Conditions are necessary to secure the construction of the vehicular access, visibility splays and the provision of parking/ manoeuvring space to serve the development, in the interests of highway safety.
27. Given the previous use of the site for agriculture, a condition to require an investigation and risk assessment should unidentified contamination be encountered during construction works is necessary.
28. A condition to require a detailed Arboricultural Method Statement, is necessary to safeguard the existing trees on or close to the site which are to be retained as part of the development. It is a pre-commencement condition because any recommendations therein need to be implemented before work on site can take place.
29. A condition is imposed to agree a surface water drainage strategy to ensure surface water from the proposal is disposed of appropriately and does not exacerbate the risk of flooding elsewhere. This is worded as a pre-commencement condition as surface water drainage is an integral part of the development that may affect how it is constructed.
30. To ensure nutrient neutrality so as to protect the European sites, conditions are necessary to secure the installation and maintenance of the PTP, prior to the occupation of the dwellings, together with measures to restrict future water usage.

Conclusion

31. The appeal proposal would accord with the development plan, there are no material considerations worthy of sufficient weight that would indicate that a decision should be made otherwise. Therefore, the appeal should be allowed.

E Worley

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 the following approved plans: Site Location Plan dwg. no. 13205/001 Rev B, Proposed Site Plan dwg. no. 13205/003 Rev C, Plot 1 Elevation 1 of 2 dwg. No. 13205/004 Rev A, Plot 1 Elevation 2 of 2 dwg no. 13205/005 Rev A, Plot 1 Floor Plans dwg. no. 13205/006 Rev A, Plot 2 Elevation 1 of 2 dwg. no. 13205_007, Plot 2 Elevation 2 of 2 dwg. no. 13205_008, Plot 2 Floor Plans dwg. no. 13205_009, Plot 1 Garage Plans & Elevations dwg. no. 13205/G1 Rev A, Plot 2 Garage Plans & Elevations dwg. no. 13205/G2, Landscape Plan dwg. no 097 210, Woodland Site Plan dwg. no. 13205/011, Landscape Mitigation Plan dwg. no. 715/01 P2, Typical Sectional Elevation dwg. no. 715 02 P1, Landscape Maintenance and Management Plan dated 2 August 2023 dwg. no. 097 100, Ecological Impact and Phosphates Assessment by Abricon Ltd dated 15 March 2024 and Tree and Planting Schedules ref: 097 210.
- 3) The development shall be carried out in accordance with the measures set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team, on 28/03/2024. The dwellings hereby approved must 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 must be permanently maintained and retained in accordance with the approved details.
- 4) Prior to the occupation of the development hereby approved, the existing agricultural structures on the site shall have been demolished and all arising materials shall have been removed from the site.
- 5) Prior to the occupation of the development hereby approved, the first 5m of the vehicle access', measured from the rear edge of the highway (excluding the vehicle crossing), shall be laid out and constructed to a specification which shall have been submitted to, and approved in writing by, the Local Planning Authority and shall be retained as such thereafter in perpetuity.
- 6) Prior to the occupation of the development hereby approved the visibility splay areas as shown on the approved drawings must have been cleared/excavated to a level not exceeding 0.6m above the relative level of the adjacent carriageway. The visibility splay areas must be maintained and kept free from obstruction thereafter in perpetuity.
- 7) Prior to the occupation of the development hereby approved, the turning/manoeuvring and parking areas shown on the approved plans must have been constructed. These areas must be maintained, kept free from obstruction, and made available for the turning/manoeuvring and parking of vehicles thereafter in perpetuity.
- 8) In the event that unidentified contamination is found during the construction phase of the development hereby approved, work shall cease, and the contamination shall be reported to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of BS10175 (as amended). Should contamination, requiring remediation be found, a remediation scheme shall be submitted to and approved in writing by the Local Planning

Authority. Measures identified in the approved remediation scheme shall be completed. Prior to the recommencement of work, a verification report shall have been submitted to and approved in writing by the Local Planning Authority.

- 9) No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement (AMS), prepared by a qualified tree specialist, providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development, has been submitted to, and approved in writing by the Local Planning Authority. The ABS should provide the following: a) a specification for protective fencing to trees and hedges which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing; b) a schedule of tree work conforming to BS3998; c) details of the area for storage of materials, concrete mixing and any bonfires; d) plans and particulars showing the location of any proposed soakaway or water or sewage storage facility; e) details of any no-dig specification for all works within the root protection area for retained trees; f) details of the supervision to be carried out by the developers tree specialist. All works must be carried out in accordance with the approved details.
- 10) Prior to the commencement of the development hereby approved, a detailed surface water management scheme for the site, shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby approved the approved detailed surface water management scheme shall have been implemented in accordance with the approved details. The surface water management scheme shall be maintained thereafter in perpetuity.
- 11) Prior to the first occupation of the development hereby approved, the HABA Bio Easy Flow System package treatment plan (PTP) to serve the dwellings shall be installed, fully implemented and operational, and thereafter maintained in perpetuity. Prior to the replacement of the PTP with any new, replacement or different foul water treatment system, details must be provided to and approved in writing by the Local Planning Authority. Any future new and/or replacement package treatment plant must achieve the same effluent phosphorus concentration or better.
- 12) Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 120 litres per person per day as measured in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved by the Local Planning Authority before the dwelling is occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented and maintained to the satisfaction of the Local Planning Authority thereafter.

*******end of conditions*******