



Appeal Decision

Site visit made on 23 July 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Appeal Ref: APP/D1265/W/25/3361640

Newton Peveril Farm, Sturminster Marshall, Wimborne BH21 4AN

- 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 Ms J Harding against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/04055.
 - The development proposed is: replacement agricultural barn
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Decision

1. The appeal is allowed, and planning permission is granted for a replacement agricultural barn at Newton Peveril Farm, Sturminster Marshall, Wimborne BH21 4AN in accordance with the terms of the application, Ref P/FUL/2023/04055 and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Ms J Harding against Dorset Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address in the heading above is taken from the decision notice. The application form referred to the site with additional details and the appellant requested that the site be referred to using the address on the decision notice. I am satisfied that the location of the proposed development is clear from the plans and the address detailed above.

Main Issue

4. The main issue in the appeal is whether the development would be located so as to be safe with regard to flood risk and whether it would avoid increasing the risk of flooding elsewhere.

Reasons

5. The appeal site is part of a farm to the west of Sturminster Marshall. There are a number of buildings on the site of various sizes and ages. The existing buildings are focused in an area to the south of the holding. The building proposed to be replaced is on the east side of the site directly adjacent to other buildings.
6. Part of the farmyard area is located within flood zones 2 and 3 with the area to the north of the site being within flood zone 1. The proposal seeks to replace an existing barn with a new building. The proposed barn would be in broadly the same

location as the existing building although it would have a marginally larger footprint and be sited at a slightly different angle in relation to other buildings on the site.

7. Policy ME6 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (CS) requires that the sequential test and exceptions test are applied as set out in the National Planning Policy Framework (the Framework).
8. The Framework clarifies that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding. The sequential test is to steer new development to areas with the lowest risk of flooding from any source and a sequential test should be used in areas known to be at risk from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, would be located on an area that would be at risk of flooding from any source, now and in the future
9. Planning Practice Guidance (PPG) is clear that for individual planning applications subject to the sequential test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed and that a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.
10. There is dispute between the parties with regard to the extent of the sequential test search area for the new barn. It is the appellant's case that this should be restricted to the existing yard area whereas the Council consider that other land within the appellant's ownership should have been considered.
11. An area to the north of the existing yard area which is in flood zone 1 is cited by the Council as having potential for the proposed building. The appellant argues that this site is not suitable for a number of reasons including that it is not served by a suitable access and would reduce the grazing area for the holding. They also state that it would be located close to a large tree where root protection has not been considered. Furthermore, they argue that the location has not been appropriately considered in respect of protected species, and it would extend beyond the historic boundaries of the farmyard into the open countryside. A proposal on this site would also need to be considered further in terms of the impact on the openness of the Green Belt and on the nearby listed building.
12. It is suggested that there is a functional need for the proposed barn to be located in the same position as the existing due to the proximity to the other large modern agricultural barn in the farmyard. Furthermore, the construction of a barn in the location suggested by the Council would result in the need for additional concrete which is not environmentally sustainable.
13. Even if I agree that the sequential test search area should include land outside the yard area I have been presented with a number of reasonable arguments as to why the suggested location north of the farmyard is not appropriate and why the proposed location is more suitable. Given the accepted need for pragmatism where proposals are small scale and where there are impracticalities involved in relocating related development elsewhere, in light of its scale and nature, I accept no sequentially preferable alternative sites are available for this specific proposal.

14. It is therefore concluded that the sequential test is passed. In terms of the Exception test both the existing and proposed building would be 'less vulnerable; uses and therefore the exception test is not required, and the proposal complies with Policy ME6 of the CS and the Framework in this regard.
15. The officer report concludes 'that the new building has a greater degree of openness than the existing, and the finished floor levels would help to improve its resilience, with potential benefits for reducing flood risk and lessening the impact on flood water diversion, thereby avoiding increase of flood risk elsewhere'. With regards to flood resilience in accordance with Policy ME6 it has been suggested that increased finished floor levels will help improve resiliency and a could address this matter.
16. In terms of increasing flood risk elsewhere this did not form part of the Council's reasons for refusal and was not raised as an issue within the officer report. As the proposed building would be largely positioned on the site of the existing building I am satisfied that there would be no increased risk in this regard.
17. In view of the above and subject to conditions, the proposal would be acceptably located so as to be safe with regard to flood risk and would avoid increasing the risk of flooding elsewhere. The proposal therefore complies with Policies ME6 of the CS and accords with the expectations of the Framework in respect of flood risk considerations

Other Matters

18. The site is proximate to Newton Peverill Manor and its forecourt walls which is a Grade II listed building. Mindful of the statutory duty set out in section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The special interest and significance of Newton Peverill Manor is derived in part from its architectural interest and is appreciated principally from the road. The site is to the west of the listed building and the proposed building would be sited largely on the site of an existing building and within the context of the existing farmyard. Notwithstanding that there is some intervisibility between the listed building and the site, in my judgement, the appeal proposal would preserve the setting of Newton Peverill Manor and its forecourt walls, the significance of which would not be harmed.

Conditions

19. I have had regard to the conditions suggested by the Council and the advice in the PPG. In the interests of clarity, brevity and to avoid duplication, I have undertaken some rationalisation and rewording of the conditions suggested. Where pre-commencement conditions are needed the appellant's agreement has been sought
20. In the interests of certainty, conditions are necessary specifying the time limit for commencement and the relevant approved plans.
21. In the interests of the safety of users and minimisation of flood risks, a condition shall be attached in relation to finished floor levels of the building. To maintain the character and appearance of the area, it is also necessary to secure details of the external materials of the barn.

22. A condition to ensure the development is carried out in accordance with the Ecological Assessment Report by ABR Ecology Ltd is reasonable to minimise the impacts on biodiversity and enhance biodiversity.

Conclusion

23. For the reasons given above, the proposal accords with the development plan as a whole and there are no considerations to indicate that a decision should be made other than in accordance therewith. Accordingly, the appeal should be allowed.

H Faulkner

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - LH001 Rev A Location, Existing and Proposed Site Plans
 - LH002 Rev A Proposed Plans and Elevations
 - MBS-5506 Rev A House Ground Floor
 - MBS-5506 North and East Elevations
 - MBS-5506 South and West Elevations
 - MBS-5506 Section A-A
- 3) Prior to development above the finished floor level course level, details (including colour photographs) of all external materials and finishes (including for the wall(s) and roof(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.
- 4) Prior to commencement of the development approved details of the finished floor level of the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall be implemented in accordance with the recommendations and requirements in the ecology report titled Ecological Assessment Report, by ABR Ecology Ltd, and dated 2 July 2024, and certified by the Dorset Council Natural Environment Team on 17 July 2024.

The development hereby approved must not be first brought into use unless and until:

- i) the recommendations detailed in section 5 of the approved ecology report have been completed in full, in accordance with a specified timetable which has been submitted to and agreed in writing by the Local Planning Authority, and
- ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.