



Appeal Decision

Hearing held on 13 February 2019

Site visit made on 13 February 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2019

Appeal Ref: APP/R3325/W/18/3207115

Land at Weston Ground Plantation, Cricket St Thomas, Chard TA20 4DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Taylor of Cricket St Thomas Estate against the decision of South Somerset District Council.
 - The application Ref 17/03725/FUL, dated 12 September 2017, was refused by notice dated 25 January 2018.
 - The development proposed is erection of agricultural building for livestock accommodation and storage use.
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Decision

1. The appeal is allowed and planning permission is granted for erection of agricultural building for livestock accommodation and storage use on Land at Weston Ground Plantation, Cricket St Thomas, Chard TA20 4DH in accordance with the terms of the application, Ref 17/03725/FUL, dated 12 September 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. At the hearing an application for costs was made by Cricket St Thomas Estate against South Somerset District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - a) whether there is an agricultural justification for the proposed development; and
 - b) the effect of the proposal on the character and appearance of the area, having regard to the site's proximity to ancient woodland and the grade II* registered park and garden at Cricket St Thomas.

Reasons

Agricultural justification

4. The appeal site forms part of the Cricket St Thomas Estate which comprises a land holding of almost 350 hectares. The Estate is centred upon Cricket House, now converted to a 250 bedroom hotel, but also contains a development of 20 holiday lodges and commercial uses in the form of Modus Furniture and

Lubborn Creamery. Most of the historic parkland is farmed on a tenanted basis by Mr Mouland and his family. The holding is run from Horn Farm in Forton and includes additional land rented outside of Cricket St Thomas.

5. The main agricultural activities within the Estate comprise sheep and cattle enterprises which are run in parallel with one another. The parkland is scenic, and its attractiveness is due in no small part to the grazing regime and responsible farming practices adopted under a Higher Level Stewardship agreement. All the evidence points to Mr Mouland being an experienced and progressive farmer and a good custodian of the registered park and garden.
6. It is common ground that permanent accommodation is not required for raising sheep, which are normally kept in the open, and that sheep do not normally require agricultural buildings for their welfare. It is not proposed to use the new building as a lambing shed; it would be too small for this purpose and most of the flock is lambed outdoors at Cricket St Thomas in any event. The building is intended as an isolation and treatment unit for animals, particularly ewes and lambs that may be sick or otherwise in need of care. It would also provide storage for sundry items – excluding medicines which would be safely locked away elsewhere.
7. The primary focus is upon reducing lamb mortality rates which were almost 50% higher than normal last season due to the inclement weather conditions. Consequently, the proposed building would be used most intensively during the 6 week spring lambing season. However, it would also be required on an ad hoc basis across the remainder of the year as a sheltered treatment base for medical conditions which could include lameness, magnesium deficiency, mastitis and prolapse. For this reason, a temporary shelter would not be an effective solution. Under present arrangements, sick or vulnerable animals discovered during routine stock checks need to be transported longer distances by vehicle to an isolation unit. In my opinion, this is not conducive to animal health and welfare, or the efficient running of the holding.
8. The Council stated that it is likely to be more supportive of a facility adjacent to the Hoarstones barns which are located approximately 300m away along Limekiln Lane to the west. Whilst I agree that grouping farm buildings together can be advantageous in landscape terms, the Hoarstones site is on the southern side of the lane and is poorly related to existing grazing on the eastern half of the Estate. The appeal site has the advantage of being directly accessible to pasture, enabling sheep to re-join the flock without the stress arising from transportation by vehicle.
9. It has been suggested that the recently completed Whitedown Barn would be capable of meeting the functional requirement. Photographic evidence demonstrates that this building has been used for lairage but at the time of my visit it was being used for a combination of grain and straw storage and warehousing in connection with Modus Furniture. The appellant conceded that a breach of planning control had occurred but explained that it was a temporary arrangement, pending extension of the Modus premises, for which planning permission has been granted. Even if space could be found at Whitedown Barn for a 'hospital unit', it would not be well positioned to serve the large swathe of pasture land at the eastern end of the Estate (and on which 500-600 ewes are routinely lambed). A modest building on the appeal site would be better suited for this purpose and proportionate to the identified agricultural need.

10. The Council has not directed me to any planning policies which stipulate that a farm building must be essential for it to be acceptable. Nevertheless, based on the evidence before me regarding current farming practices, I am content that there is a reasonable agricultural justification for the proposed development. There is nothing in anything I have read or heard to make me believe that Mr Moulard's intentions are anything but genuine. Given that additional rent will be payable it seems highly unlikely that a new building would be left empty. The appellant has no objection to the imposition of a planning condition restricting it to agricultural use. This would prevent future conversion to alternative uses¹ without a grant of planning permission.

Character and appearance

11. The Council raises no objection to the scale or design of the proposed building and accepts that its appearance would be agricultural. It nevertheless contends that the development would be harmful to ancient woodland and the setting of the grade II* Cricket registered park and garden. The authority considers these two impacts to be linked inasmuch that they relate back to landscape character.
12. The refusal reason states that the site is located within an ancient woodland. However, the Council now acknowledges that this was an error; the proposed development would fall within a buffer zone identified within the authority's internal constraints system. The nearest designated ancient woodland lies roughly 200m to the north-west within an area shown on the map as Purtington Copse. The trees immediately adjoining the site are part of a commercial plantation comprising predominantly coniferous species which at some point will be felled under licence from the Forestry Commission and replanted.
13. The proposal would have no direct impacts on ancient woodland, or for that matter the trees in the adjacent plantation. The development would be visible at a distance from Limekiln Lane as part of a wooded setting, but its design and appearance would be unsurprising to the casual observer. The character of the area is resolutely rural, but the location does not feel particularly remote. There are other buildings in the area – notably Hoarstones barn to the west and Purtington House Farm to the east, and beyond that the hamlet of Purtington. Taken in this context, I do not consider that the insertion of a modestly sized agricultural building into a clearing at the edge of the plantation would have a significant adverse effect on the character of the rural landscape.
14. It is contended that the proposal would prevent replanting of ancient woodland. The subject land is not within or adjacent to the ancient woodland designation, but its size is not significant and replanting in this location is unlikely in any event, given that this general area is occasionally used for forestry activities. The appellant has offered to carry out additional tree planting within the vicinity, together with native species hedge planting on the site frontage to improve the environmental resource and provide screening.
15. Turning now to the registered park and garden, there is no dispute that the Weston Ground Plantation forms part of the setting to this heritage designation. The list description is directly relevant to explaining its significance:

¹ including under permitted development rights – Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, refers.

“The park surrounds the house and pleasure grounds on all sides and comprises a valley extending from north-east to south, through which flows a small stream. The valley sides are undulating, with ornamental plantations articulating some of the projecting shoulders of high ground and framing extensive vistas from the upper slopes.”

16. Weston Ground Plantation is one of several blocks of tree planting on the valley sides which frame the parkland in the valley bottom. The undulating topography and extensive tree cover mean that the proposed building would not be visible in views from the parkland, either at short range or from a distance. Given that approximately 80% of the farmed area of the Estate lies within the registered park and garden designation, the appeal site is well chosen to prevent any intervisibility and avoid adverse impacts on the heritage asset.
17. The Council has raised concerns regarding the activity generated by the proposal. Whilst the pattern of usage is difficult to predict with any accuracy, it is unlikely that there would be a significant number of additional comings and goings as the building’s role would be linked to routine stock checks which already take place. Although there is some potential for light intrusion, this can be controlled using a suitably worded planning condition.
18. Accordingly, I conclude on this issue that there would be no material harm to ancient woodland or the setting of the grade II* registered park and garden at Cricket St Thomas. The proposal would therefore comply with saved Policies EQ2, EQ3 and EQ6 of the South Somerset Local Plan (2006-2028) insofar as they seek to preserve the character and appearance of the district, safeguard the significance and setting of heritage assets and protect the character of the district’s trees, woodlands and forests.

Conditions

19. I have considered the Council’s suggested conditions against the tests set out within paragraph 55 of the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard commencement condition I have imposed a condition specifying the plans, as this provides certainty. The proposal has been justified on the basis that there is an agricultural need for the building and therefore it is reasonable to attach a condition restricting its use for this purpose. In the interests of the character and appearance of the area conditions are required to secure additional planting and to ensure that the approval of the local planning authority is sought for any external lighting.

Other Matters

20. The parties were given the opportunity to comment on the representation made by Acorus on behalf of neighbours. Many of the submissions are predicated on the basis that the proposal is for a lambing shed. However, as I have set out above, the proposal is more akin to a ‘hospital unit’ which would provide temporary accommodation for small numbers of animals during treatment, and for isolation purposes. Whilst I note the concerns regarding the design of the building and the use of timber in construction, it would be fit for purpose.
21. The appeal site was muddy at the time of my visit and ground conditions in the immediate environs of the proposed building were not conducive to grazing. Nonetheless, livestock have unrestricted access to lush pasture to the north-west. This area is out of view from the road and this may explain why residents have not seen sheep on the site itself.

22. I note the concerns regarding the potential impacts on residential amenity. However, the nearest dwelling is some distance away from the appeal site. The proposed development would not give rise to unacceptable levels of noise or odour for residents. Furthermore, the development would not be likely to generate significant additional traffic movements along the lane, and as such it would not be materially harmful to highway safety.
23. Concerns are raised regarding other buildings on the Estate and elsewhere which have been redeveloped for other uses or otherwise taken out of the agricultural unit. Reference has also been made to past breaches of planning control. Although I have taken this information into account, it does not alter my findings on the main issues.
24. I have had regard to all other matters raised in representations, including the effect on wildlife habitats, but none is of such strength or significance as to outweigh the considerations which led me to my decision.

Conclusion

25. I have found that the proposal would not cause unacceptable harm to the character and appearance of the area and that it would be justified in agricultural terms. On this basis, for the reasons given above, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephen Taylor	Cricket St Thomas Estate
Andrew Preston	Greenslade Taylor Hunt (agent)
Philip Hodgkin	Greenslade Taylor Hunt
Michael Moulard	Tenant farmer

FOR THE LOCAL PLANNING AUTHORITY:

Mike Hicks	Planning Officer
Sue Osborne	Ward member

Documents submitted at the hearing

1. Letter from Synergy Farm Health (undated)
2. Letter from Charles Clark, partner at Greenslade Taylor Hunt
3. Written statement from Winsham Parish Council
4. Extract from MAGIC Maps showing extent of ancient woodland designation
5. OS Landranger map with Cricket registered park and garden overlaid
6. Map showing Cricket registered park and garden and boundary of Cricket St Thomas Estate
7. Photographs of livestock in Whitedown Barn

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 1513L-PL-01, 1513L-PL-02 and 1513L-PL-03.
- 3) The development hereby permitted shall be used solely for agriculture and for no other purpose.
- 4) No later than within the first planting season following the substantial completion of the building hereby approved a soft landscaping scheme shall be completed in accordance with details that shall have been first submitted and approved in writing by the local planning authority. The details submitted shall include the species, planting densities and planting heights of all new planting. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 5) No means of external lighting shall be installed on or within the building hereby approved or operated on any part of the site unless details of that lighting have been submitted to and approved in writing by the local planning authority. All new lighting shall be installed in accordance with the approved details, and thereafter shall not be altered without the prior written agreement of the local planning authority.