
Appeal Decision

Site visit made on 17 March 2015

by David Morgan BA MA (T&CP) MA (Con Studs IoAAS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2015

Appeal Ref: APP/P0119/A/14/2227753

Collins Farm, Abson Road, Wick, Bristol BS30 5TT

- 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 Charles Taylor against the decision of South Gloucestershire Council.
 - The application Ref PK13/4403/F, dated 26 November 2013, was refused by notice dated 7 July 2014.
 - The development proposed is construction of a 6,000 bird free range egg production unit.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a 6,000 bird free range egg production unit at Collins Farm, Abson Road, Wick, Bristol BS30 5TT in accordance with the terms of the application, Ref PK13/4403/F, dated 26 November 2013, subject to the conditions set out in the attached schedule.

Procedural matters

2. The appeal site is located within the South Gloucestershire Green Belt. The main parties accept that the development proposed is for the purposes of agriculture and is therefore not inappropriate development. I have determined the appeal on this basis. Nevertheless, as the Council's Green Belt **Supplementary Planning Document points out, 'Landscapes are very important to the openness and amenity of the Green Belt'** and this sensibility also informs my reasoning in respect of character and appearance below.
3. subsequent to the determination of the planning application the Council has adopted (in November 2014) a revised edition of the South Gloucestershire Landscape Character Assessment Supplementary Planning Document (LCASPD) as the appellant has had notice of this matter during the appeal process I have taken this document into account in my reasoning below.
4. Also subsequent to the determination of the application and prior to my site visit, the appellant has submitted a signed and dated section 106 agreement facilitating highway works associated with the access to the site and to the land adjacent to it in order to consolidate and protect the verges of the lane once the site becomes operational. I consider this agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) below.

Main Issues

5. These are a) the effect of the proposed development on the character and appearance of both the immediate environs of the access to the site and to the wider rural landscape and b) whether it would preserve the group of listed buildings bordering the Green at Abson, principally the Church of St James the Great (Grade I), Church Farmhouse (Grade II), the associated stables (Grade II) and the adjacent barn (Grade II), all of which are identified as having group value.

Reasons

Character and appearance

6. The appeal site lies in fallow pasture some distance to the west of Collins Farm, adjacent to Lodge Road. The ground rises gently to the west and the site stands at a level a little above that of the road, or more accurately, the lane lane. The lane itself is flanked by bank revetment with mature hedging above forming the boundary with the fields. The wider context of the site is defined **in the LCASPD as 'an open simple, undulating to rolling area with a defined scarp'**. This is a fitting description, with thin threads of hedged field boundaries defining a largely pastoral landscape. Collins Farm forms one of the historic farmsteads that constitute the Hamlet of Abson and as such the site lies on the periphery of the historic settlement. The historic core of the settlement has been supplemented in the later C20 with modest additional residential development both within it and on its edge.
7. The proposed building, a free range egg production unit with ancillary storage silos, has a footprint approximately 45m by 18m with an eaves height of 2.5m and a ridge of 5.4m. These dimensions render it a relatively low-set orthogonal structure set between the hedge and public footpath boundary adjacent to Lodge Road and within the degraded field boundaries to the north, east and west. There are a number of axial vents in the ridge and there are twin silos to be located on the south elevation, both of which would slightly exceed the height of the ridge. It is indicated as being clad in brown-stained timber and slate coloured profile sheeting. An access track would serve the building and this runs from the access point adjacent to the historic farmstead inside the hedge boundary of Lodge Road. It would be surfaced with loose gravel.
8. It is not disputed that the proposed building would be intermittently visible from points within the landscape. Indeed, at close range it would be visible from points along Lodge Road and from the Public Footpath that runs parallel with it. It would also be visible in limited but defined views from the Green (which I will address in more detail below). However, the hedging along Lodge Road does, because of its mature cover and the lower level of the road surface, form a generally effective screen from this most public of viewpoints. Moreover, with a detailed programme of planting and active management of existing cover, **the building's** presence could be significantly reduced. This, in combination with the organic and mineral colouring of the elevations, would in my view combine to sufficiently engage the low-set structure with the wider surrounding landscape to the extent that it would avoid material harm to it.
9. The access track would be visible from the section of the Public Footpath and, newly-made, would stand in contrast to the established pasture. However, this

would mellow in time and again not being visible from the main public viewpoints along Lodge Road, would similarly avoid material harm to the appearance of the area.

10. Access to the service track would be by means of an entrance adjacent to the converted outbuildings of Collins Farm, already the subject, as I understand it, of a previous approval. Nevertheless, details are provided to facilitate an access with visibility splays off Lodge Road. The section 106 (see below) also provides for kerbing and the management of the opposite verge to safeguard it from degradation by vehicles visiting the facility. The bell mouth and splays, in conjunction with the adjacent kerbing, would in my view introduce a perceptibly more urban or even suburban feel to this junction which is otherwise characterised by soft green verges and ditches. However, the access point already has permission and what is proposed here would not materially detract further from the character of the area. Moreover, whilst the additional kerbing would harden-up the border of the lane, this would be limited in extent and would in any event relate to an area of verge already degraded by the opportunistic parking of vehicles, evident both from photographs submitted in relation to the appeal and from what I saw at my site visit.
11. For all these reasons, and accepting the development would result in a modest perceptual change to the character and appearance of the countryside, I do not consider this would amount to material harm to it or the amenities of the Green Belt. For these reasons I conclude in respect of the first main issue that the development would accord with policy E9 of the South Gloucestershire Local Plan, criterion C thereof, which requires that development have no unacceptable environmental effects; with policy L1 of the same, criterion C thereof, which requires that the amenity of the landscape be conserved and with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006 – 2017 (SGLPCS), which anticipates development being permitted only where the highest possible standards of design are achieved in respect of local character and distinctiveness and landscape features. The development would also be consistent with the aims of the Landscape Strategy set out in the LCASPD that seek to ensure that new development is located, designed and landscaped to integrate with existing landscape features.

Setting of listed buildings

12. Abson is a modest settlement dominated by its imposing church and the close group of historic building, principally the farmhouses and their associated farmstead buildings, which form a cohesive nucleated group; this inter-relationship is reflected in their collective Group Value status. Although the primary special interest of church, farmhouse and outbuildings is expressed in their architecture (the Ecclesiastical of the church and the regional vernacular of the agricultural) their setting too is a contributor to their significance as designated heritage assets. Set as they are in the simple open pastoral landscape of south Gloucestershire, they serve both as the civic and social focus of a rural community and express an intimate relationship with the land they served to husband and exploit. Despite the inroads of later C20 infill and the near complete conversion of all the traditional agricultural buildings (both listed and unlisted) to residential use, the compactness of this group forges a strong and distinctive relationship with the surrounding countryside, thus forming part of the wider setting of the listed buildings and thus their significance.

13. There is indeed a direct degree of inter-visibility between the appeal site and the Green, the immediate context of the listed buildings. This is looking to the west from this point, between the southernmost outbuildings of Collins Farm and the modern dwelling on the adjacent corner, where the open fields can be glimpsed beyond and the appeal site, partly screened by hedge planting, can be perceived. However, this is a very narrow prospect, and a strict conclusion on the simple fact of inter-visibility would take no account of the significant mitigating impact of any strategically located structural planting that could be appropriately secured through condition. From the Green also, although the access would be discernable, the main body of the track would be quickly lost behind the hedge screening of Lodge Road. Moreover, when seen in the context of the existing and proposed planting (again secured through condition) in the wider landscape (particularly the ridge to the north) the proposed building would be perceived as a discreet entity, both separate and functionally and visually removed from the tight-knit core of the settlement. I have also considered the point made by local residents that quiet and tranquillity are a constituent of local character, and indeed may also be a constituent of the character contributing to the setting and therefore significance of a heritage asset. That said, deliveries to and from the facility would be relatively infrequent and there is a countervailing argument presented in a letter supporting the appeal that a countryside bereft of the noise and activity that has characterised land and animal husbandry for centuries is the poorer for it.
14. For all these reasons I conclude in respect of the second main issue, in accordance with the clear expectations of the Planning (Listed Buildings & Conservation Areas) Act 1990, anticipating the development permitted, the settings of the listed buildings and the group they form would be preserved. For the same reasons the proposed development would accord with paragraph 132 of the National Planning Policy Framework (henceforth referred to as the Framework), which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting. The proposed development would also accord with policy CS9 of the SGLPCS, which amongst other matters anticipates that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.

Other matters

15. Local residents have expressed a wide range of concerns over the environmental impact of the proposal, including highway safety, pollution of local watercourses, noise and disturbance, manure disposal, fly infestation, odour, the encouragement of vermin or possible damage to a gas supply pipeline running beneath the proposed access track. Whilst such apprehension is perhaps understandable, no detailed evidence is presented to challenge the case presented by the appellant that all such matters can reasonably be controlled and maintained within established regulatory tolerances. This is relevant in respect of odour control and watercourse security and also in relation to the agricultural building to the west of the appeal site which has been the subject of a Prior Notification for a change of use to a dwelling. Moreover, there are no objections from the Environment Agency, The Energy provider in relation to the gas pipe line or **the Council's Environmental Health** or Highways Department that may suggest otherwise, and this is clearly **reflected in the Council's reasons for refusal, which remain focused on the** character and appearance of the area, the setting of the listed buildings and on the absence of a section 106 agreement. Whilst I can understand the

apprehension of local residents, their concerns are not supported by any substantive evidence that could justify the dismissal of the appeal on these grounds.

Section 106 Agreement

16. Highway issues are, as I have already noted, a concern of residents, and to a degree of the Highway Authority as well. However, the latter are content that issues in relation to the effect of deliveries to and from the site through the proposed access could be appropriately mitigated and managed through the provision of a legal agreement securing works to the highway, including the verges and existing tree planting. At the time of the determination of the application such an agreement was not forthcoming. However, such a document is now presented as part of the appeal papers and the signed and dated agreement makes prior provision for the site access in accordance with the approved details and secures the works to the adjacent highway verge. Through safeguarding and consolidating the road verges and providing an appropriate access to the site the agreement renders the development acceptable in planning terms. It is also manifestly directly related to the site, and is proportionate, as it seeks to do no more than is necessary to achieve the above. On this basis, I consider the agreement in accord with the criteria of Regulation 122 if the CIL and with paragraph 204 of the Framework. I can therefore reasonably take it into account.

Conclusions

17. Whilst I understand the apprehension of local residents, there is no substantive evidence to justify the dismissal of the appeal on the grounds of harm to living conditions or other related matters. Moreover, concerns over the effect of the development on the highway and on the immediate character and appearance of the area have been mitigated through the submission of the section 106 Agreement. Decisively however, in relation to the two main issues relating to the character and appearance of the wider landscape and the setting of the designated heritage assets, I have found no substantive or material harm in either respect. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed.

Conditions

18. The appeal being allowed, I attach conditions securing the access in accordance with the submitted plan, in order to safeguard the character and appearance of the immediate area and to ensure the safety and convenience of highway users. I also attach a condition securing a programme of site drainage to safeguard local water courses and to ensure an adequate system for the drainage of the site is provided. I also attach conditions restricting the hours of working on the site during the period of construction and movements of Heavy Goods Vehicles between specified hours to safeguard the living conditions of adjacent occupiers. A condition is also required to secure the submission of a Precautionary Method Statement identified in the Ecological Appraisal submitted by the appellant to avoid adverse impact on Great Crested Newts, a protected species, and their habitat. Finally I also attach conditions requiring the submission of and Landscape and Ecological Management Plan and a detailed scheme of landscaping to safeguard protected species and their

habitats and to safeguard surrounding landscape character and preserve the settings of listed buildings within the settlement of Abson.

David Morgan

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 approved plans listed in schedule: Drawing Nos: 1203701 Rev B, PB1458-GA01 Rev A, PB1458-TR002, Location Plan, Site Plan, Ranging Area Plan.
- 3) Prior to the construction of the Egg Production Unit hereby approved, the access from Lodge Road shall be provided in accordance with the submitted and hereby approved Access Plan (PB1458-TR002) received 27 November 2013. The so implemented access shall be satisfactorily maintained thereafter.
- 4) Notwithstanding the details shown on the submitted plans, the development shall not begin until drainage details incorporating best management practices (SUDS) and the hydrological context of the development have been submitted to and approved by the local planning authority; the scheme shall subsequently be implemented in accordance with the approved details.
- 5) The hours of working on the site for the period of construction of the development hereby approved shall be restricted to 07.30 to 18.00 Monday to Friday, 08.00 to 12.00 Saturday and no working taking place on Sundays and Public Holidays. **The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of the site.** During the demolition and construction phases, any use of the site outside of these hours shall have the prior written consent of the local planning authority.
- 6) There shall be no movements of HGVs to or from the development hereby approved outside the following hours: 07.30hrs to 17.30hrs Monday to Friday and 08.00 to 12.00 noon Saturday with no movements on Sundays and Public Holidays.
- 7) The development hereby approved shall be subject to a Precautionary **Method Statement ('reasonable avoidance measures')** included in section 4 of the Ecological Appraisal by Wardell Armstrong (dated May 2013), to

avoid impacting on Great Crested Newts. All works shall be carried out in accordance with the approved measures and retained as such thereafter.

- 8) Prior to the commencement of the development hereby approved, a Landscaping and Ecological Management Plan shall be drawn up and agreed by the local planning authority in writing. The plan shall include details of the habits to be retained, new habits to be created, their management and a programme for their monitoring set out. Thereafter all works are to be carried out in accordance with the approved plan.
- 9) Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of all those to be retained, together with measures for their protection during the course of development, proposed planting (and times of planting), boundary treatments and areas of hard surfacing, shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the details thereby agreed.