

45/15/0017

MR M AMBLER

Change of Use of land to mixed agricultural/tourism use with siting of 4 No. shepherd huts and associated facilities with erection of building for mixed agricultural / tourism use on land to the west of Tilbury Farm, West Bagborough Road, West Bagborough

Location: TILBURY FARM, WEST BAGBOROUGH ROAD, WEST
BAGBOROUGH, TAUNTON, TA4 3DY

Grid Reference: 317498.133447 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development by virtue of its intensification in use, exterior lighting, the erection of a permanent mixed use tourists storage building/agricultural barn and creation of parking areas and new gravelled tracks would have a detrimental impact on the landscape and character of the Quantocks AONB. The proposed development would be contrary to policy DM2 'Development in the Countryside', 3. c. 'Holiday and Tourism' as increased visitors to the site and the partial change of use from pasture land to mixed use pasture/tourism would cause significant harm to the natural and man-made heritage, and it is also contrary to the NPPF paragraph 115 which notes that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty'.

Recommended Condition(s) (if applicable)

Notes to Applicant

Proposal

The proposed development is for a change of use of land from agricultural fields to mixed agricultural/tourism, including the siting of 4no. 'Shepherd Huts', improvements to the existing green track through the introduction of further permeable hardcore surfacing for both the existing track and a proposed parking area, regrading of the land and erection of mixed use agricultural/tourism store and facilities building. The proposal would entail minor works to the highways access, which may or may not be on land owned by the applicant (some dispute between SCC and applicant over land ownership on small parcel of land between gate and

road).

Site Description

Two well established pasture fields bordered by Beech tree bank to south-west. To the south-east of the site is a small wooded area. Current access is provided through a five-bar gate off of the metalled road leading between West Bagborough and Cothelstone. It is part of the Tilbury Farm where the main residence and several converted barns and other buildings are located approximately 200m to the east. The site occupies a land area of approximately 4.45 hectares. It is on steep slope facing south-west, with land rising to the north/north-east on a notable escarpment. The site is located within the Quantocks AONB and is identified in the Landscape Character Assessment. There are extensive views from the site to the Blackdown Hills and over the valley below the Quantock Hills

Relevant Planning History

45/12/0012 - change of use of ancillary accommodation from B'n'B to self-catering holiday accommodation – conditional approval - 5/10/2012

45/12/0020 - change of use of land to equestrian with manege, carport, stable etc - conditional approval - 8/1/2013

45/14/0001 - change of use of part of barn to holiday accommodation and first floor office extension and installation of 16 ground-mounted solar panels) - conditional approval - 28/3/2014

45/15/0013/AGN - prior approval agricultural building - prior approval not required - 17/11/2015

Consultation Responses

WEST BAGBOROUGH PARISH COUNCIL - comment as follows:

The Parish Council is very concerned about allowing 'change of use' for this important area of agricultural land which is very typical of hill farm pasture on the highest levels of the Quantock Hills. There are also concerns about risks to health arising from the continued use of the ground for grazing alongside the accommodation facilities. The Parish Council has outlined their concerns below and hopes that Officers will be able take note of and carefully consider these when making their decision

Whilst the current proposals are small scale the Parish Council remains concerned that once 'change of use' is granted then further larger scale development will inevitably follow and completely change the local environment. In their 2006 report (The Historic Landscape of the Quantock Hills) English Heritage say "The historic

landscape of the Quantock Hills is rich, diverse, surprising and beautiful. Its conservation and management, informed by an enhanced understanding, must be one of the priorities for the Quantock Hills in the 21st century.”

The site of Tilbury Farm is, without doubt, an important landmark area of the higher slopes in the Parish and should be protected from inappropriate development that would extend non-agricultural use into the hitherto undeveloped higher slopes of the Quantock Hills AONB.

Whilst traditional Shepherds huts would have been seen on the Hills they would only have been in use during sheep raising and lambing periods. They would often be moved around from field to field and not left in one place all year. So whilst visually correct their fixed presence and use all year round is not typical.

The accompanying drawings show that there is an intention to continue grazing on the fields and yet there is no mention of the risks to visitors arising from E-coli 0157 if grazing is to continue. This significant risk to health illustrates the conflict between agricultural and tourist use of the land.

The Parish Council is, therefore, surprised that it has not been mentioned in any of the documentation.

Public Health England explains that “The main reservoir for VTEC is cattle and other ruminants. Transmission to humans occurs through:

- consumption of contaminated food or water
- exposure to a contaminated environment involving direct or indirect contact with animals or their faeces”.

Furthermore, various guidance from tourist and leisure industry guidelines includes references such as:

“Because grazing animals can pass the organism in their dung without becoming ill, owners cannot identify which animals or environments pose a danger to health. Since children are particularly at risk, precautions must be taken before public events or camping on land that has been used, even temporarily, by grazing animals. Animals should be cleared, dung removed and grass cut, at least three weeks before any recreational events.”

THE QUANTOCK HILLS AONB SERVICE - comment as follows:

The Quantock Hills was the first landscape in England to be designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape’s natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future.

The above application is of interest to the AONB Service as the proposals are within a visually sensitive part of this nationally protected landscape, in an area of very strong landscape character.

The AONB Service is concerned about the potential impacts of this development on both visual amenity and landscape character. We therefore request that the following points of concern be duly considered as part of your assessment. We make this request to ensure that this application only be approved where it is clear that there will be no adverse impacts on this very special place.

We recognise the importance of the tourist industry to the local economy but it is essential that the very reason for people wanting to visit The Quantock Hills is not compromised by the provision of facilities to support this economic driver.

Whilst the AONB Service has a duty to consider social and economic issues, the primary purpose of AONB designation is to conserve and enhance the natural beauty of the Quantock Hills and our comments reflect this statutory duty. The NPPF has a presumption in favour of sustainable development but it makes particular allowance for protected sites (paragraph 14, footnote 9) – clearly stating that policies indicate development should be restricted in Areas of Outstanding Natural Beauty. As such, a presumption in favour of development is not immediately applicable to this application.

Points of concern:

1) Steep hilltop pastures are a key characteristic of this part of the AONB and the AONB Service would be concerned to see the landscape being taken out of grazing (if this were to occur) as this would lead to a change in character regardless of any visual impacts (which are a related but separate issue). The proposed location may not be highly visible (as indicated in the planning statement) but that does not mean the character of the place will not change. This must be given due consideration in line with Taunton Deane's Policy EN12 - Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

Related to this, your own Landscape Character Assessment makes specific reference to the areas of pasture around Tilbury Farm in its description of the 'Quantock Hills Wooded Escarpment' and we ask that you adhere to the Landscape Strategy for this landscape which states that: "the principle landscape strategy for the character areas is to conserve the balance and simplicity of the land cover and land use – the blanket woodland interspersed by areas of pasture - and to maintain the character of limited settlement within the landscape ... Importantly it is essential to conserve the drama of the scarps (by preventing, for example, features and elements associated with lower-lying landscapes (such as the adjacent vales) from spilling up onto the slopes and diluting the sense of arrival onto the scarps and the striking contrast in character". With this in mind we ask you to consider the appropriateness of increasing activity and people presence in this very rural part of the AONB and how the introduction of features - the huts, lighting, parking, an access track and the general increase in activity - would affect the simple character of the hill pastures in this location. We note there is an intention to retain grazing around the huts but the provision of an access track and parking areas are likely to bring a marked change to the pasture.

2) We are not able to find a topographic map as part of the application and

given the sloping nature of the ground at Tilbury Farm, there is a clear suggestion that cutting and/or levelling of the land may be required in order to provide a level base for proper siting of the huts. Please can you determine if this is the intention and, if so request details. Artificial cutting and moulding of the land within the AONB can adversely affect the character of the landscape even if it is small scale. We are aware that a ménage was permitted at the site and as such we are concerned by the cumulative effects of changing the natural shape of the Quantock landscape at Tilbury Farm. It may be that there is no requirement for shaping the land but we have not been able to determine this from the application.

3) Will the shepherd's huts lie directly onto unmade ground or is there an intention to provide loose material or hard standing? We ask that this be clarified.

4) It is unclear how the required area for agricultural storage can (as soon as permitted development is granted) be considered immediately dispensable in order to provide a linen store/refuge store/bike store and shop facilities to support the tourist business at the site. Whilst the planning application states a small area is being sacrificed to provide these facilities, the plans indicate a large proportion (over a third) of the building would be used to support the tourism business. Permitted Agricultural Development can have significant adverse impacts on visual amenity. We are very concerned therefore if permissions are being granted when they do not appear to be required. We ask that consideration be given to this point and also any potential changes to visual impacts as a result of the building being reversed (as is proposed).

5) We are very concerned about the increased lighting at the site. Whilst the application states that lighting will be largely restricted to internal areas, the huts and the proposed store area all have windows and as such light will be emitting from these openings. Consideration will need to be given to the impact of five new sources of lighting in this part of the AONB. We are concerned that increased lighting at the site will have an adverse impact on dark skies in this location and also on wildlife.

6) The planning application states that "owing to topographic features / siting, aside from distant views the hut locations are not believed to be visible from any notable public vantage points" (2.14.2). We have not undertaken fieldwork that disputes this but Tilbury Farm is visible from considerable distance because of its prominent position on an escarpment. As such it would be useful to understand which public vantage points have been considered as part of the site assessment and information provided to TDBC to support this statement (even if the huts themselves are discreet in views, lighting may not be).

7) Whilst reference has been made to the application site occurring within the AONB, no specific aims and objectives from the current AONB Management Plan (2014-2019) have been highlighted in the planning statement. Some of the relevant extracts from the Management Plan are provided below – please ensure these are considered when assessing the application.

Pg 7. One of the Quantock Visions (for next 20 years): Sustainable levels of Quantock tourism and recreation maintain public enjoyment of the AONB and

contribute to the local economy without harming landscape, historic environment, biodiversity or tranquillity.

Pg 21. SEO3: Reinforce and protect the rural and historic character of the agricultural landscape with its distinctively sparse settlement character, scattering of isolated farmsteads, tiny hamlets and small villages.

2.1 Landscape Quality

Opportunities and threats:

Cumulative loss of landscape features, tranquillity and character due to on-going small-scale conversion, change of use and development activity.

2.7 Visitors, Access and the Local Economy

Aim – that sustainable levels of Quantock tourism and recreation maintain public enjoyment of the AONB and contribute to the local economy without harming landscape, historic environment, biodiversity or tranquillity.

It is clear that there are a number of concerns regarding a change of land use in this location – principally related to impacts on special qualities (such as tranquillity and wildlife), on landscape character and on visual amenity. We trust, in line with Section 85 of the Crow Act, that these points will be addressed to ensure ‘duty of the regard’ to the purpose of AONB designation when making your recommendations/decision.

The AONB Service supports small scale developments where they conserve and enhance the nationally protected landscape.

LANDSCAPE - comment as follows:

The four traditional shepherd huts, although visible on this prominent and visually sensitive part of the Quantocks AONB escarpment, may not make a huge landscape impact in themselves but the new building, parking area, access tracks and lighting associated with the development could have a detrimental impact on the landscape character of this hill farm pasture field, typical of this landscape character Area of the AONB (10 a Quantock Hills Wooded Escarpment).

To accommodate the agricultural/Tourist building excavations will be necessary which will alter the natural profile of the slope. Artificial moulding of the land could adversely affect the character of this steep hilltop pasture field in the AONB. It is not clear from the drawings if excavations/ground levelling will also be required to accommodate the individual shepherd huts.

I am concerned, that should the development be permitted, it could set a precedent leading to the further development of the site.

It is very important that the field is continually grazed, to retain the strong landscape character of the area. However on reading submitted comments there appears to be a conflict with the leisure use of the site and continued grazing.

SCC - TRANSPORT DEVELOPMENT GROUP - no significant issues in terms of traffic impacts (up to 16 vehicle movements per day at peak) and improvements to existing access but may require hedge cutting back to the left of the access point (down the hill towards West Bagborough village) to improve visibility, recommended conditions if permission is granted

DRAINAGE ENGINEER - No comments

Representations Received

Nine letters of objection have been received, the main issues highlighted are:

- visual amenity and impact on landscape and AONB
- it would lead to further development
- there would be impacts on residential amenity through noise and light, (and in one letter overlooking issues)
- impacts on highways and increased traffic
- existing tourism and holiday facilities need support and this is development on top of a 'flooded market'
- significant engineering works would be required to provide access and level areas which would be out of keeping with the AONB
- health issues in relation to mixture of uses of the site
- impact on wildlife

Five letters of support have been received including one letter from 'Classic Cottages' who market similar establishments and one from a current employee of the applicants. Main issues are:

- benefits to tourism and local economy
- supporting local employment
- sensitive development which would not have negative impacts on character of the area

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

Countryside and Rights of Way Act 2000

Quantock Hills AONB Management Plan 2014-2019

West Bagborough Village Design Statement 2000

Local finance considerations

There are no local financial considerations.

Determining issues and considerations

The main issues in relation to this application are the principle of development, change of use, Quantocks AONB and landscape impacts, biodiversity, highways, drainage, and economic issues

Principle of Development

This application is considered with reference to the relevant national and local policies, notably the NPPF paragraphs 19, 28 and 115, and TDBC Core Strategy policies CP8 'Environment', DM1 'General requirements' and DM2 'Development in the Countryside'. The site is part of Tilbury Farm which has had planning permission granted for the conversion of former agricultural buildings to holiday use in 2012 and 2014, and permission granted for the establishment of a manege and other equestrian related facilities in 2013. The specific site of this application has previously been the subject of pre-application advice (reference 45/15/0001/ENQ) for a change of use to tourism with 'glamping' facilities and storage barn, and access track and parking spaces with regrading the land. There has also been a prior approval application for a new agricultural building (45/15/0013/AGN). The pre-application advice was that the proposed development would be contrary to policy and it would be down to the applicant to demonstrate how it was compliant with policy requirements and how it would be possible to develop the land without causing significant and demonstrable harm to the character and appearance of the Quantocks AONB. It was noted that any planning application would be likely to be refused as the economic benefits of allowing this form in this location would not outweigh the significant harm caused to the AONB. Whilst it must be acknowledged that the pre-application was for a qualitatively, and, to an extent, quantitatively different form of proposed development, as it was for 6 safari tents with a permanent base structure, the proposed development area was similar and the style and impact of the development was clearly directly related to this application.

The pre-application advice is a consideration, accepting the caveat that there are some minor and more significant differences between what was proposed for the pre-application and this application. Policy DM2 'Development in the Countryside' of the Adopted Core Strategy, is supportive of the development of tourist and recreational facilities provided that any new development would not harm natural and man-made heritage, echoed in policy CP8 which states that development on sites outside of defined settlement limits provided that greenfield land is protected and where possible enhanced.

Change of Use

The proposal is for a change of use to mixed use tourism/agricultural use of existing pasture fields which are on a steep slope bordered by Beech banks on some of the sides and currently used for sheep grazing. The proposed use of a mixed use tourism/agricultural has raised objections on health grounds from local residents and the parish council concerned about possible infections caused by tourists using fields which have been grazed and have remnants of sheep droppings which could spread e-coli bacteria. Whilst this is not a significant material planning consideration there are questions about how a field which would be used for grazing part of the year could then be used to provide tourist accommodation without further segregation of the fields to separate sheep grazing areas from tourist/shepherd huts and subsequent pressure for further fencing or other means of achieving an acceptable division of the land between the two uses. Although the current application has not addressed this issue in the submitted information this would ultimately be a management issue if permission for the change of use were to be granted. Issues related to public health would be covered by legislation employed by environmental health officers. The change of use would require engineering works to allow for the creation of an access track (beyond the existing track), a parking area and to level parts of the site to facilitate parking, and the siting of the shepherds huts.

Landscape Impact and the AONB

The proposed development site is situated within the Quantocks Area of Outstanding Natural Beauty (AONB), and under section 85 of the CRoW Act 2000 (Countryside and Rights of Way Act) the planning authority must have 'regard to the purpose of conserving and enhancing the natural beauty' of the AONB. The Quantocks AONB has commented that there several issues of concern in relation to this application:

1. the location at Tilbury Farm is one that is specifically identified in the Landscape Character Assessment as 'Quantock Hills Wooded Escarpment' and in this document the strategy is to preserve the balance and simplicity of steep pasture fields interspersed with wooded areas by preventing features associated with low-lying areas from spilling into the dramatic hillside slopes.
2. The applicant has not included sufficient information about regrading and levelling of the land that would be likely to be required to provide a stable base for the proposed shepherd's huts and for the access track, parking area and storage building. Cutting and moulding the land 'even if it is small scale' changes the natural shape of the Quantocks, particularly when viewed as part of a cumulative process

alongside other developments within the land owned by the applicants.

3. The applicants have not indicated if the huts would stand on unmade ground or on some form of gravel, hardstanding etc, clarity is needed on this point

4. The permitted development of an agricultural building (reference 45/15/0013/AGN) to allow for a new general purpose agricultural building in the same position, similar dimensions etc as the proposed tourism storage/agricultural building appears to show that the 45/15/0013/AGN agricultural building can be 'considered as immediately dispensable in order to provide a linen store/refuge store/bike store and shop facilities', and the AONB states that they are 'very concerned' that 'permissions are being granted when they do not appear to be required'. The AONB also note that such permitted development constructions of agricultural buildings can have severe impact on visual amenity and the landscape

5. The AONB are concerned about the impact of lighting on the site and wider landscape setting which could impact on dark skies and affect wildlife

6. The application notes that due to topography the huts would be visible from public viewpoints, but information has not been provided to support this (applicant has since this date provided photographic evidence to support this claim)

7. No reference has been made to the current Quantocks Management Plan and its aims and objectives

These aims and objectives are also highlighted:

2.1 Landscape Quality, (category: opportunities and threats) which can be impacted by cumulative changes to landscape, character and features due to small-scale changes of use, conversion of buildings and increased human activity

2.7 Visitors, tourism, local economy and access, (category: aims) the AONB would be supportive of sustainable levels of tourism and recreation provided that developments do not harm the landscape, biodiversity, tranquility or the historic environment.

These points have been taken into consideration and similar issues have been highlighted by the Landscape Officer TDBC. The main issue with the development from the perspective of landscape and the AONB is the cumulative impact of all of the development and the intensification of use of the site. Whilst in isolation the four proposed shepherds huts would not have significant detrimental impacts cumulative impacts would be detrimental and significant and would be cause to warrant grounds for a refusal of the application.

Traffic and highways

The application site is served a narrow road, which is single-lane in places but does have an existing access via five-bar gate. The proposal would include improvements to the existing access with cutting back part of the hedgerow to the south-west of the access point. The current access is setback from the highway by approximately 8 metres with a layby between the gate to the field and the metalled part of the road, however there is disagreement between the highways authority and the applicant about ownership of this parcel of land. It may be a requirement for the applicant to enter into a legal agreement with the highways authority if works are required on land outside of the ownership of the applicant. The Highways authority have commented that the proposed development generate an approximate maximum of 16 extra vehicular movements per day which would be acceptable and would not cause significant harm or impacts on highway safety. Therefore there are no grounds to refuse the application over highways issues and if permission were to

be granted the conditions suggested by the highways authority would be appropriate to the proposed development.

Drainage

The drainage officer TDBC has made no comments on the application and there do not appear to be any significant issues with drainage resulting from the proposed development.

Economic Benefits

The proposed development would facilitate increased tourism in the Quantocks AONB and wider region, which would therefore have some economic benefits, principally to the applicants but also to existing and potential future employees and to the wider economy through tourists visiting local shops, cafes, pubs, museums and the like. The West Bagborough Village Appraisal 2000-2002, the most recent survey (other than the national census) of the village and its economic life, identifies 6% of those from the village in paid employment as working in the tourism (hotels, b'n'bs, etc) and a further 22% working in retail/service industries many of which would benefit from an increase in visitor numbers to the area. The Quantock Hills Management Plan notes (section 2.7, pages 36-37) that there is evidence collated over several years to indicate that the majority of visitors to the Quantocks live reasonably local and within Somerset, and are day-trippers rather than staying in any local tourists facilities. These more local visitors do not spend as much in the local economy as visitors from further afield who on average spend approximately 70% more. The proposed shepherds huts would be primarily serving tourists and visitors from further afield and would be likely to achieve a far greater contribution to the local economy than day-trippers from the Somerset area. There are, therefore, strong economic arguments for supporting the application and letters of support have been received from a current employee of the applicants and from the operators of small businesses (eg pubs) in the locality which note the positive impact that the increased provision of tourist accommodation would have on their enterprises.

Conclusion

The Quantock Hills Management Plan notes "a significant element of the changes development bring is the cumulative effect of comparatively minor developments... over time a series of such changes can alter the character of the wider area" (QHMP p.13). This is the central issue with the proposed development, whilst it is acknowledged that the shepherds huts, by themselves would not cause significant impacts on visual amenity, and viewed in isolation would not fundamentally change the character of the area or the landscape, when seen cumulatively the proposals could have a detrimental impact on the special character and qualities of the AONB.

The proposed development is multi-faceted including the provision of several access tracks with (permeable) hardcore surfacing, a designated parking area with gravel surfacing, works to regrade the land to level it up, works to existing banks, a new dual purpose building which would have both agricultural and tourism functions, and

the siting of the four shepherds huts. The proposed huts have been sited with sensitivity and are well screened by the existing topography, tree cover and hedgerow, and if the application was just for these four huts the proposal would be acceptable. However when seen cumulatively with the subsidiary development of access tracks, levelling and regrading the land, the erection of an agricultural and tourism storage building, creation of a parking area, and the requisite internal and external lighting, there would be significant impacts on the character of this part of the AONB and on the landscape.

Whilst economic development is supported in principle through local (DM2) and national (NPPF) planning policies this is subject to the caveat that development must respect the special character and national significance of the Quantock Hills AONB and must not harm its landscape, biodiversity, character or tranquility. Some weight has to be given to the prior approval granted (under reference 45/15/0013/AGN on 17 November 2015) for an agricultural building within the proposed development area of this application, however it is noted that the Quantocks AONB commented that very shortly after the granting of this prior approval part of the building was 'considered immediately dispensable in order to provide' for tourism related facilities, and the AONB further commented that permitted agricultural developments can have severe impacts on landscape and visual amenity. So whilst the permitted development rights to build a purely agricultural storage building within this site are acknowledged (45/15/0013/AGN) and are a material consideration they only have limited weight attached to them as regards the decision on this application. The economic arguments in favour of the application do not outweigh the harm caused to the designated AONB landscape and character

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mr Alex Lawrey