



Appeal Decision

Site visit made on 20 July 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 04 August 2017

Appeal Ref: APP/R3325/W/17/3167462

Stear Hill Farm, Steart Hill, West Camel, Yeovil, Somerset BA22 7RF

- 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 Hopkins Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 16/03193, dated 14 July 2016, was refused by notice dated 12 October 2016.
 - The development proposed is described as a straw barn, revised landscape bund and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether there would be a significant number of unjustified heavy goods vehicle (HGV) movements associated with the formation of the bund and the effect of such movements on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

The Site and Surroundings and Relevant Background

3. Steart Hill Farm lies in open countryside about 1km north of the main A303 trunk road, which is itself just north of West Camel village. It is linked to the A303 by Steart Hill, a rural lane of varying width with generally good forward visibility and a number of suitable passing places to allow two HGVs to pass within the adopted highway, although there are some bends and a hill between the site and A303. This part of the A303 is not dual carriageway and the left turn off the east bound carriageway is direct into Steart Hill. There is a right turn lane off the west bound carriageway. The road continues northwards to Bab Cary but there is a sign at the entrance to it from the A303 saying it is unsuitable for heavy goods vehicles. There is also a sign at the exit to the site telling HGV drivers to turn right only (back to the A303).
4. On 2 December 2013 permission was granted on appeal for the retrospective change of use of the existing grain store and surrounding ancillary hard standing from agricultural use to mixed agricultural, agricultural processing (B2) and storage of agricultural produce (B8) uses, and the erection of a new

grain store building and revised environmental bund (the previous appeal decisions or PAD).¹

5. The appeal proposal is to erect a barn for the storage of straw together with amending the design of the landscaped bund approved under the PAD scheme, which would wrap around the site and seeks to contain all the existing and approved buildings from the surrounding predominantly agricultural land. The straw barn has been partially erected under a previous approval²: its portal frame and roof have been built to date but it is not yet operational. The Council has no objection to the barn itself. The second grain store as approved by the PAD has not yet been built.

Whether the Proposed HGV Movements are justified

6. The appellant states that constructing the bund will require 28,000m³ of imported inert material, which will include construction and demolition (C&D) waste. The Council does not dispute this. The Council does not oppose the bund and acknowledges that it would help screen the site from the wider rural landscape. But it argues that the bund is unnecessary because such screening could just as well be formed by landscape planting and that such planting will more readily establish itself in existing than in made-up ground. 28,000m³ of imported soil and C&D waste would, according to the appellant, be brought in by lorries approximately 8.5m³ in size. This would generate 3,294 HGV movements up and down Steart Hill (28,000÷8.5=3,294).
7. The appellant states that over a total period of 12 months, this would equate to 12 lorry movements per day, or 1.2 per hour. 275 days would be required for 3,294 HGV movements at the rate of 12 per day (3,294÷12). However, Condition 4 of the Council's suggested conditions (in the event I was to decide to allow the appeal) requires that all earth moulding necessary to create the bund and its landscaping should be carried out in the first planting and seeding season following the occupation of the straw barn or its completion whichever is the sooner. The appellant does not oppose this condition and I consider it is reasonable and necessary because such landscaping works should be completed as soon as possible.
8. The landscaping plan includes the planting of Extra Heavy Standard trees and I consider it should include such if it is to be effective. The planting season in the UK for trees is generally acknowledged as being between the autumn and spring, between the months of October and April.
9. Taking into account Sundays and Bank/Public Holidays, which are precluded days for deliveries in the condition suggested by both main parties (Condition 6 in the Council's list), this equates to no more than 183 days, whereas 275 days are required to deliver the necessary volume of imported material. The additional 90 days of HGV deliveries would therefore have to take place after the end of the normal planting season, which would breach suggested Condition 4.
10. Alternatively, and so Condition 4 was not breached, the daily level of HGV movements would have to increase. The appellant argues that: a level of 16-17 HGV trips per day are required at harvest time (lorries delivering grain to the site), which the PAD agreed was the likely figure and would not give rise to

¹ APP/R3325/A/13/2196135 & 2196151

² LPA Ref: 16/01219/FUL

- any adverse impacts on neighbouring residents; that a total of 14 HGV trips a day (which includes the 2 daily agriculturally related trips outside the harvest period) agreed by the PAD would be less than that; and consequently, there would be no harm to neighbouring residents.
11. But if the bund and planting was to be completed within the October-April planting season it would take 18 HGV movements per day ($3,294 \div 18 = 183$ days). Adding in the additional 2 movements for the agricultural use outside of the harvest season equals 20 HGV movements per day. This equates to 1.8 HGV movements per hour on Mondays-Fridays (0700-1800) and 5 movements per hour on Saturdays, because Condition 6 would restrict deliveries on Saturdays outside the harvest period to only 4 hours between 0800 and 1200. This is above the level considered in the PAD and could have an implication for neighbouring residents' living conditions, which I address in more detail below.
 12. For these reasons I consider the appellant's estimate of 12 HGV movements a day or 1.2 per hour to be an underestimate of those that will actually occur, assuming the imposition of the above agreed Conditions, which I consider to be reasonable and necessary. The Council also points out that there is no restriction in these or the other conditions on the appellant actually constructing the bund more quickly and that a condition specifying a daily limit of HGVs delivering waste for its construction would be unenforceable. I agree such a condition would be difficult to enforce because there would be likely to be arguments about what specific HGVs were carrying. It would also impose an additional unreasonable burden on neighbouring residents to amass evidence of any breaches of such a condition, bearing in mind the appellant's well documented recent history of unauthorised planning uses on the site.
 13. Consequently I conclude that there would be nothing to stop the appellant completing the deliveries of soil and C&D waste for the bund much more quickly than the period indicated above and this would further increase the daily and hourly HGV movements to the site.
 14. I now turn to whether these likely HGV movements are justified. The bund would be a satisfactory way of landscaping the overall development but I agree with the Council that it is not strictly necessary and could be equally well done by tree and shrub planting belts. Such tree planting would take 15-20 years to properly screen the grain storage and straw barns whereas the 3m high bund would partially screen them as soon as it was erected, albeit the planting itself would take at least a similar time to mature.
 15. But the barns/buildings on the site would encompass agricultural and agricultural processing uses and, although large, such buildings are not uncommon in rural areas. Looking from the north, for instance from field gates higher up Steart Hill, they are seen against the backdrop of the ridge immediately to the south which dominates the view. In any case the bund would only partially shield the barns from public rights of way located at the top of (Slate Lane) and descending north from the ridge.
 16. I acknowledge what the appellant says about the benefits of creating a hard internal edge to the farm yard which will protect screen planting from vehicles, shield the grain stores and the grain within from wind driven rain and contain rubbish and other detritus so it can be easily collected rather than escaping into the wider area. However, such enclosure could just as well be created by screen walling at the edge of the site next to tree planting belts, which would

- obviate the need for imported fill. Such a screen wall would not be unacceptable in landscape terms because it could be screened by tree and shrub belts.
17. West Camel and Babcary Parish Councils and some neighbouring residents have suggested that the PAD prevents the importation of material to construct the bund. That is not the case. Condition 6 of Appeal B in the PAD merely requires the appellant to submit an application in writing, hence this proposal.
 18. The appellant on the other hand says that the PAD requires the bund to be constructed in order to safeguard the area's character and appearance. But that is because that was the proposition in front of the previous Inspector and it was necessary for him to explain why such a bund was necessary, as decision makers must do when they propose any planning conditions. He didn't have before him any alternative, such as a landscaped tree belt and so I do not accept the appellant's argument in this respect.
 19. The delivery of 28,000m³ requires 3,294 HGV (of 8.5m³ each) movements up and down Steart Hill. Such a level of movement would be insignificant on a trunk road like the A303 and there is no objection raised by the Council, Highway Authority or Highways England regarding highway capacity or safety on the A303 or Steart Hill itself. There is no objection to the principle of recycling waste including in terms of creating the proposed bund and doing so in the manner proposed would comply with the waste hierarchy.
 20. But paragraphs 29 and 30 of the National Planning Policy Framework (NPPF) seek to reduce greenhouse gas emissions and reduce congestion and the need to travel. In this respect the proposed bund, which necessitates such a large volume of imported material, would fail to meet these sustainable transport objectives because adequate landscape screening of the development could be provided by other means. Hence the vehicle movements required to bring in the imported fill are unjustified.
 21. Policy SD1 of the South Somerset Local Plan (LP) reflects the presumption in favour of sustainable development contained in the NPPF and seeks to secure development that improves the economic, social and environmental conditions within the District. Although the bund itself would achieve this, its benefits could be achieved in another way which does not require all the unnecessary vehicle movements, and so this aspect of the proposal is unsustainable.

Whether there would be Significant Disturbance to Neighbours on Steart Hill

22. The PAD concluded that the level of traffic associated with the proposed uses in those appeals would not materially harm nearby residents' living conditions in terms of noise and disturbance. But, as explained above, this was predicated on the assumption that there would be no more than 16-17 daily HGV movements at the busiest period (during the harvest season).
23. I have indicated above why I consider that these figures are likely to be exceeded, possibly significantly, and that there will be substantially more than 1.2 HGV movements per hour on Saturday mornings. There is no certainty that such figures would cause significant harm to residents on Steart Hill between the A303 and the site but that possibility cannot be denied.
24. The appellant's substantive case on this issue is based on the assertion that the proposed level of HGV movements delivering fill for the construction of the

bund will not exceed the HGV movements at the busy harvest period. But since they are likely to be significantly exceeded such an argument does not hold. I conclude that, in the absence of any evidence to the contrary, the HGV movements associated with the construction of the bund could harm the living conditions of neighbouring residents, with particular regard to noise and disturbance; there is insufficient information to determine otherwise. In arriving at this view I have taken into account the comments made by neighbouring residents both at application and appeal stages.

25. LP Policy EQ2 states, amongst other things, that development proposals should protect the residential amenities of neighbouring properties. For the above reasons I cannot be sure that such amenities will be protected and so there is no certainty that the proposal would comply with Policy EQ2.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR