
Appeal Decision

Site visit made on 5 December 2016

by Veronica Bond LLB (Hons), Solicitor (non-practising)

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

Decision date: 28 December 2016

Appeal Ref: APP/X1118/W/16/3158058

Land off Little Bray Lane, Brayford, Barnstaple, Devon EX32 7DG

- 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 KST Farming Ltd against the decision of North Devon District Council.
 - The application Ref 60355, dated 14 January 2016, was refused by notice dated 9 March 2016.
 - The development proposed is erection of agricultural storage building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The postcode taken from the application form in my banner heading above does not appear to be the correct postcode for the property. However, a grid reference of Easting 255398 and Northing 133671 has also been given and I consider that this properly identifies the application site.
3. Amended plans were provided during the course of the application, showing a slightly smaller scaled building and removing the first floor originally proposed. For the avoidance of doubt, I have determined the appeal based upon the same plans as the Council decided the application.

Main Issue

4. The main issue is whether there is a functional need for the agricultural building as proposed in this location.

Reasons

5. The appeal site is located in a countryside setting with surroundings including fields, woodland and small clusters of agricultural buildings. The proposal would entail the construction of a large agricultural building which would be positioned to the north of the site and roughly in the centre, so a reasonable distance from the road. The building would be intended to accommodate some 65 to 78 alpacas, including space for birthing and shearing. It would provide space for storage of a tractor and horse box, along with supplementary feed for the alpacas.
6. The building size proposed is intended to accommodate a large number of alpacas including provision for indoor birthing areas. The floor space proposed for the alpacas is broadly based on guidance as to recommended indoor space

per alpaca. However, it is unclear whether the site would in fact accommodate as many alpacas as suggested in reality bearing in mind likely rotational grazing needs. Further, as to the proposed alpaca rearing, it appears that the appellant lives some considerable distance from the appeal site. I have no substantive evidence that the rearing of alpacas from this location would be a feasible option given the likely need for monitoring and supervision at times of birthing.

7. The height of the building is intended, in line apparently with Defra guidelines, to accommodate a modern tractor requiring a ceiling height of at least 3.5 metres. The building as proposed would though be substantially taller due to the pitch of the roof. This design aspect would mean that the building would have a much greater impact on the landscape than a more low profiled building would have. Thus, although designed to reflect local vernacular, I do not consider on the evidence before me that the size of building proposed is adequately justified. It would represent a significant intrusion into the countryside landscape which would be visible from both Little Bray Lane and from the surrounding fields.
8. I have considered that the appellant has put substantial research into the proposed enterprise and has concluded that alpacas are the right animals to rear on the land and that a limited company has been set up for this purpose. I note that the space proposed is intended to minimise stress during shearing, to prevent hypothermia by allowing for indoor birthing, and to provide space for stock in ill health. I note that high nutritional demands, especially of lactating females and weanlings, means that storage of dry feed is required.
9. I recognise too that the approach taken is led by various guidelines specific to alpaca care, which are expressed as the minimum necessary, and comments as to the requirements of the Welfare of Farmed Animals (England) Regulations 2000 to provide space appropriate to the animals' needs. I have borne in mind also the wet and windy climate of North Devon as cited and the health risks to the alpacas associated with this, and that the Alpaca Society deems structures such as buildings to be essential, not optional.
10. However, this does not alter the fact that the space proposed is based upon a large number of alpacas and on the evidence before me, I am not satisfied that this number could be properly accommodated bearing in mind potential requirements for rotational grazing. Although I note comments as to the proposed 'stack effect' for ventilation purposes, I am not persuaded that the substantial height of the building is essential for the benefit of alpaca welfare.
11. The appellant refers to other similar buildings approved within a 3 mile radius apparently without any evidence of need. It appears though that some of these were prior approval applications meaning that they represented permitted development and so different considerations would have applied. In respect of the other approved buildings referred to, some of which I understand are on smaller sized parcels of land, I do not have full details of the planning circumstances of the proposals in order to form a detailed comparison with the appeal proposal, which I have considered on its merits.
12. I acknowledge comments that it is only the fact that the building proposed is required to house livestock which means that it requires planning permission. I note also that alpacas can fall within the definition of livestock in the Agricultural Holdings Act 1986 and that the appellant's landholding is large

enough to fall within the definition of an agricultural unit for permitted development purposes. This does not though alter the basis upon which I am required to consider the appellant's application for planning permission nor my conclusion as to the functional requirement for the building.

13. As to the sustainability credentials of the proposal, I accept that farming enterprises by their very nature are located in rural areas usually with use of a private vehicle necessary for access to services. I note also that the holding related to this application is the only such land owned by the appellant and in this sense is the only land available for the intended enterprise.
14. However, the concern is not that the site would not enable ready access to services other than by private vehicle. Rather, the issue is that the business proposed would suggest a level of monitoring and supervision of the livestock during birthing periods that would not, on the evidence before me, be practically achievable given the location of the appellant's home. As such, and although I note comments that the appellant's address could change, based upon their current home address, I have concerns as to whether the rearing of alpacas on the site would be a feasible option given the distance involved.
15. Thus I conclude that there is not a functional need for the agricultural building as proposed in this location. It would in this way fail to accord with Policies ECN7 and DVS1A of the North Devon Local Plan 1995-2011 (adopted July 2006). These seek, amongst other things, to ensure that agricultural buildings are not of a size that exceeds their functional requirements and that development incorporates appropriate sustainability principles including as regards their scale and design. It would also conflict with the aims of the National Planning Policy Framework in seeking to support sustainable growth in rural areas including through well designed new buildings.

Other Matters

16. The Parish Council, I understand, approved the proposed scheme and I accept that this would be a small scale farming enterprise seeking to meet national demand and which would provide a boost to the local economy. This offers slight support for the proposal. The appellant indicates that the business cannot function without the building proposed. I have though found that it has not been demonstrated that the scale of the building proposed is justified and thus nor that the business could not function with a smaller scaled building.
17. I acknowledge the appellant's concerns as to the Council's comments related to the cost of the building proposed and as regards the appellant's future intentions for the building but these comments have not in any event impacted upon my conclusion on the main issue above. Concerns as to the Council's handling of the application are not for me in dealing with this appeal.

Conclusion

18. Although there would be some modest benefits entailed in the proposal, this does not compensate for the development plan conflict and harm found. Accordingly, for the reasons above, and taking into account all other matters raised, I conclude that the appeal should fail.

Veronica Bond
INSPECTOR