

Appeal Decision

Site visit made on 17 March 2017

by P N Jarratt BA DipTP MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/W1145/W/3155246

Land at Ngr 244709 122865, Road from Crossleigh to Old Toll House, Littleham, EX39 5HQ

- 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 Daffyd Lowery against the decision of Torridge District Council.
 - The application Ref 1/0374/2016/FUL, dated 12 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is a retrospective application for a rural building to serve a mixed rural enterprise.
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Decision

1. The appeal is dismissed.

Relevant planning history

2. Prior notification for the erection of two agricultural buildings was approved in 2009. The buildings were considered necessary at the time on the basis of the rural business that was sought. Only the more upper building was constructed.
3. A retrospective application for the retention of two agricultural sheds was refused in November 2014.
4. An enforcement notice dated 29 February 2016 requires the demolition of the building the subject of this appeal. Although an appeal was made on grounds (a), (d) and (e) to the enforcement notice, all these grounds of appeal were withdrawn and consequently the notice has taken effect with the compliance period being six months.

Main Issues

5. The main issues in this appeal are, firstly, the principle of development and, secondly, the impact it has on the character and appearance of the countryside.

Reasons

6. The appeal site is located in open countryside within a designated area of Great Landscape Value. The site is an 8 hectare holding containing two buildings, the lower one which is the subject of this retrospective application, the other having been granted consent under the prior notification procedure. The building is of six bays constructed of blockwork and a corrugated mono-pitched metal roof of between 3 and 4m high. The four central openings have large
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- metal doors. In front of the building is an open area contained within an earth bund.
7. The saved policies of the Torridge District Local Plan 1997-20111 comply with the National Planning Policy Framework (the Framework). The plan will be replaced by the North Devon and Torridge Local Plan, which is at an advanced stage in the adoption process, in due course.
 8. Saved Policy DVT2C restricts certain development in the open countryside to that which is reasonably required in such a location.
 9. The appellant seeks the retention of the building to serve his rural business. It is claimed that the appellant keeps 25 sheep, chickens and the keeping of two horses for domestic use with approximately 1.08 hectares of woodland which is cut and the logs sold. The appellant states that the building is used to provide storage for material, hay/straw, feedstuffs, trailers tractors and mower, with a storage area being required for the keeping of horses on the site. At the time of my site inspection, there was no evidence of any sheep or poultry although it was evident from the state of the ground in front of the building and the state of the sloping field at one side, that the site had been heavily used by horses.
 10. The building had 3 completely empty bays and the others were only partly used for the storage of a small tractor, some straw and some machinery. There was no indication of log storage or tree felling or logging equipment.
 11. Although the appellant states that the Council does not argue that there is no functional need, it is not clear to me how the building is used by the appellant to support agriculture, a rural enterprise or to support rural diversification. The appellant refers to saved Policy ECD5 on agricultural development in support. However this policy requires that the scale of the development is justified by the operational needs of the enterprise amongst other requirements. No satisfactory justification has been made. Although reference is made to the Framework's support for a prosperous rural economy at paragraph 28, one of the core planning principles of the Framework is the need to recognise the intrinsic character and beauty of the countryside.
 12. Even if a functional need exists, the Council considers that the authorised building on the site could be used to support his rural business. However the appellant has leased the majority of the land holding, including the upper building, to a third party (a pony farm) on a 25 year lease dated 22 December 2015. In the light of the refused retrospective application for the buildings of November 2014, it seems somewhat imprudent of the appellant not to have discussed with the Council how the effective disposal of one of the buildings would have on his business intentions. However, that was the choice of the appellant. I note that the Council has pointed out that the use of the upper building for equestrian use is not an authorised use although this is not material to this appeal.
 13. I share the Council's view that if it were to disregard the leased building, then a similar situation could arise for a need for a further building if the building the subject to this appeal were also to be leased.
 14. The building represents sporadic development in the countryside. Although it is not visible from the highway due to the steepness of the slope and the earth

bund, the design of the building fails to reflect any rural building vernacular in the area and appears more commercial than agricultural in appearance.

15. I therefore conclude that the principle of the development is not justified and, as constructed, the building adversely affects the character and appearance of the countryside. Accordingly, it fails to accord with saved policies DVT2C, DVT6 and DVT7 relating to development in the countryside, local distinctiveness and design considerations. It also fails to accord with saved policy ENV6 and with the Framework as it fails to protect the intrinsic character and beauty of the countryside.
16. For the reasons given above I conclude that the appeal should be dismissed.

P N Jarratt

Inspector