

Appeal Decision

Site visit made on 27 June 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/J9497/W/17/3169229

Land at Higher Beara Farm, South Brent, Devon TQ10 9DS

- 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 Miss Joanne Harper against the decision of Dartmoor National Park Authority.
 - The application Ref 0342/16, dated 6 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is establishment of stable block – 2 stables and feed store – and change of use from agricultural land to equestrian.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the landscape and scenic beauty of the Dartmoor National Park.

Reasons

3. The appeal site is a field located to the south west of the buildings and dwelling at High Beara Farm. The field is located between two roads, with an access gate located on each. It slopes fairly steeply up from the lower lane to the higher lane. The site is set within a landscape of undulating land with a pattern of fields divided by hedgerows resulting in a pastoral character. Although there are some examples of isolated buildings, more typically buildings are set in small clusters. The pastoral setting and constrained built form is a significant and positive attribute of the scenic and landscape beauty of the area.
 4. The building would be sited close to the lower access which slopes up steeply from the road. It would sit close to the existing hedge. Despite the generally sloping nature of the site, the building would be located on an area that is relatively level. It would contain 3 loose boxes and would be a little over 3m in height. It would not be well related to any other buildings but appear as an isolated structure. It would therefore appear as an incongruous feature and harm the pastoral character of the land.
 5. Policy DMD 33 of the Authority's Development Management and Delivery Development Plan Document (the DMD) requires that horse related development must not harm local character and that any new buildings should be well related to existing buildings. The siting of the building is such that there is conflict with this policy. The appellant has sought to site the building as close to other buildings as the constraints of her land ownership has allowed. However this would not minimise the harm that would arise.
 6. I appreciate that the development would be largely screened from public vantage points. However it would be seen from the access point where the
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quality of the landscape can be appreciated. In any event, I consider that the argument that visibility would be limited is not a good one as it could be repeated too often. The cumulative effect of a number of similar developments could be considerable.

7. I note the appellant does not intend to provide any hardstanding around the building. I do however share the Council's concern that overtime there is likely to be pressure to allow further development, for example hard surfaces and improvements to the access. Other paraphernalia, such as equipment and temporary boundaries to subdivide the land, is also commonly placed on sites used for equestrian purposes. This would further degrade the pastoral character of the land.
8. While it is the appellant's wish to limit the built development and keep Dartmoor ponies, which are traditional and commonly seen in the landscape, planning permission goes with the land rather than the individual. As such the nature of the use could change overtime. It would be possible to minimise some potentially harmful effects of the development through planning conditions, but placing rigid restrictions on the use of the land would be onerous and could result in the effective loss of the benefit of the permission. Such conditions would not be reasonable and therefore this harm could not be appropriately mitigated.
9. There are 3 field shelters currently located near the upper access point. I note the appellant considers that the appeal building would be visually preferable to the field shelters. However temporary structures do not have the degree of permanence that the appeal building would have and as such their current location does not justify the appeal scheme. It is also proposed to use timber as the external walling material, but this will not minimise the harm that would arise from the isolated siting of the building.
10. The appellant suggest that other recent development in the area has not been located close to other buildings. I do not have full details of those schemes, however it does not minimise the harm that would arise from the appeal proposal. The development would comply with some of the detailed subsections in the policies, including that there is sufficient land to graze the number of horses. In themselves these factors indicate a lack of harm but do little to weigh in favour of the development.
11. I therefore conclude that the development would result in harm to the landscape and scenic beauty of the National Park. It would be contrary to Policies COR1, COR3, and COR4 of the Authority's Core Strategy Development Plan Document and Policies DMD1b, DMD5, and DMD33 of the DMD all of which require that development should conserve or enhance the special qualities of the Dartmoor landscape. It would also conflict with the National Planning Policy Framework which states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in this respect.
12. The adverse effects of the development are sufficient to mean that the proposal would conflict with the development plan when taken as a whole. For the reasons given above I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR