



Appeal Decision

Hearing Held on 12 July 2017

Site visit made on 12 July 2017

by J Wilde C Eng MICE

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

Decision date: 31 July 2017

Appeal Ref: APP/Q1153/W/17/3166440

Skywood, Spreyton, CREDITON, Devon, EX17 5AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Lucinda Fletcher-Neal against West Devon Borough Council.
 - The application Ref 1645/16, is dated 31 May 2016.
 - The development proposed is described as a 'retrospective application for an agricultural building. It is a standard Yorkshire boarded agricultural barn tucked into the yard. Dimensions are approx. 12.2m wide by 28m long and 5.7m high. It is approximately 0.5m higher than my house and 3m lower than the much larger adjacent agricultural building owned by Weeke Farm'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the Hearing the Council confirmed their position that had they determined the application prior to the appeal for non-determination, then they would have given planning permission. However, a number of interested persons had made representations both during the application and appeal processes, and these persons were present at the Hearing. The main issues set out below are derived primarily from these representations.

Main Issues

3. The main issues are:-
 - a) Whether or not the barn is an appropriate size for its proposed function.
 - b) Whether or not the barn has an impact on the setting of the adjacent listed building.

Reasons

Size of barn

4. The barn, which was in place at the time of my visit, is a large agricultural building, partly floored in concrete and with open bays to one end. The barn contained a stack of logs, various items of farm machinery and a caravan. The largest tractor and the caravan were not owned by the appellant.

5. Policy ED18 of the West Devon Borough Council Local Plan Review (March 2005) stipulates that new agricultural buildings will be permitted where they are of an appropriate size for their proposed function and are designed and located so as to minimise their impact on the landscape.
6. The Council's position on the application was arrived at by virtue of a letter dated 17 October from their agricultural advisor Mr Sheamus Machin. This concluded that the barn met the needs of the two separate enterprises that were at that time being run and managed from Skywood. The two enterprises were a forestry business and a farming business which included about 60 sheep and 14 calves.
7. The forestry enterprise comprised two not for profit companies and it was confirmed at the Hearing that one of these was 'in mothballs' and the other was 'dormant' and that there were doubts as to whether either would start up again. Furthermore, the appellant confirmed that while she now owned about 50 sheep, these were being effectively managed by a neighbouring farmer.
8. In light of this it seems to me that there is very little, if any, agricultural activity ongoing at Skywood at the present time, and that therefore the barn can only be considered to be an inappropriate size for its function. Conflict with policy ED18 therefore clearly exists.
9. In arriving at this conclusion I am aware that policy ED18 mentions *proposed* function (my highlighting). However, in this case I have been supplied with no information regarding a proposed business, nor any evidence to show that any business would be reasonably likely to be started up, which to me seems a reasonable approach to take. I am conscious that the appellant has placed things on hold until the appeal has been decided upon and that the enterprise has in the past consisted of far more than at the present time. Nonetheless, whilst I have some sympathy for the appellant, it is incumbent on me to arrive at a decision based on the evidence before me relating to the current business in relation to the policies in the local plan.

Setting of a listed building

10. The neighbouring farm building, Weeke Farmhouse, is a Grade II listed building and the National Planning Policy Framework (the Framework) makes clear that account should be taken of the desirability of sustaining and enhancing the significance of a heritage asset. In this particular case the barn is separated from the farmhouse by a reasonable distance and there are existing farm buildings and vegetation between them. The topography of the site also means that views of both buildings are difficult to come by. It follows that the barn does not harm the setting of Weeke Farmhouse.
11. At the Hearing it was suggested that Weeke Farm as a whole has significance as a medieval farmstead. However, little evidence was forthcoming to reinforce this view other than a screenshot from the Devon Historical Environment Record (HER), which did not give details of significance. It is also clear that much work has taken place at Weeke, including the erection of farm buildings and the sub-division of land. In light of this I conclude that the barn has not had a harmful impact on the significance of Weeke Farm as a whole.
12. It follows that there is no conflict with policy SP1 of the West Devon Borough Council Local Development Framework Core Strategy Development Plan

Document (CS), which seeks to ensure, amongst other things, that historic features of the borough are protected.

Other matters

13. At the Hearing it was brought to my attention that about 30m of hedgebank has been removed from the site to make way for the accesses to the barn. It is perhaps a moot point as to whether this can be construed as being directly related to the erection of the barn itself. Notwithstanding this, given my decision regarding the appeal overall, the matter of the removal of the hedgebank is not an issue to be further considered within this appeal.

Conclusion

14. In light of my above reasoning with regard to the conflict with policy ED18, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Lucinda Fletcher-Neal	The appellant
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FOR THE LOCAL PLANNING AUTHORITY:

Mr Tom French	Senior Planning officer
Mr Sheamus Machin	Agricultural consultant

INTERESTED PERSONS:

Beverley Cunningham	
Sarah Barker	
Anthony Barker	All local residents
Richard Brook	
Ken Whittaker	Spreyton Parish Council

DOCUMENTS

- 1 Letter/report dated 17 November 2015 from Derek Roberts to West Devon Borough Council.
- 2 Copy of Section 106(3) obligation.

PHOTOGRAPHS

- 1 Series of recent photographs of the barn.