
Appeal Decision

Site visit made on 30 July 2019

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/U1105/W/19/3228049

Hooked Rise Farmhouse, Lane to Hooked Rise Farm, Dunkeswell EX14 4QY

- 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 Mrs Weare against the decision of East Devon District Council.
 - The application Ref 17/1717/FUL, dated 5 July 2017, was refused by notice dated 15 January 2019.
 - The development proposed is erection of an agricultural storage building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an agricultural storage building at Hooked Rise Farmhouse, Lane to Hooked Rise Farm, Dunkeswell EX14 4QY in accordance with the terms of the application, Ref 17/1717/FUL, dated 5 July 2017 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The address given on the original application form is Hooked Rise Farm, however the application documents, the Council's decision and the appeal submission all refer to Hooked Rise Farmhouse. At my site visit I saw that the appeal site is part of the property named Hooked Rise Farmhouse and that it is separate from Hooked Rise Farm which lies to the north. Accordingly, I have used Hooked Rise Farmhouse in the address above.
3. The appeal site is within the Blackdown Hills Area of Outstanding Natural Beauty, therefore the appeal scheme has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Secretary of State considered that the development is not likely to give rise to a significant environmental effect for the purposes of the Regulations and as such has directed that the appeal scheme is not EIA development.

Main Issue

4. The main issue is whether the appeal proposal would constitute an acceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development and the character and appearance of the countryside, including the special landscape character of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and the setting of Dunkeswell Airfield.

Reasons

5. The appeal site forms part of an area of agricultural land approximately 5.5 acres in size which is separated into two fields. The site is bordered by trees to the side and rear and the field has a sizeable bund around its boundary with the airfield. Hooked Rise Farmhouse, its garden and associated outbuildings are adjacent to the appeal site and surrounded by mature trees forming a small copse. To the north is Hooked Rise Farm, which has a bungalow and a number of agricultural buildings.
6. The Council had previously observed cars for banger racing on the appeal site, but there were none in either field at the time of my visit. Although I saw some vehicles on the other side of the bund, these were outside of the agricultural land to which this appeal relates. The appellant's stated intention is to keep livestock on the land. I saw at my site visit that there was a small herd of cattle in one field and some parts of it had been mowed. The land therefore appeared to be in use for agricultural purposes.
7. For planning purposes, the site is in the open countryside. The wider landscape around the site is an open plateau dominated by Dunkeswell Airfield, which has two runways and several groups of buildings serving the various activities and businesses that operate from there. Around the airfield is agricultural land, predominantly pasture, providing open views which end at bands of trees along field and road boundaries. Several agricultural type buildings were visible in the fields around the airfield. The area around the appeal site therefore exhibits some of the key characteristics identified in the East Devon and Blackdown Hills Landscape Character Assessment 2019 (the LCA).
8. Policy D7 of the East Devon Local Plan (January 2016) (the LP) permits new agricultural buildings where there is a genuine agricultural need and other criteria are met. Paragraph 172 of the National Planning Policy Framework (the Framework) states that, "*Great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty*" and that "*The scale and extent of development within these designated areas should be limited*".
9. The appellant sets out that the proposed building would be used to provide secure storage for equipment used to maintain the agricultural land. Details of this equipment have been provided: a tractor, trailers, a topper, framed harrow, drum mower, sprayer, ride on mowers and a quad bike, plus equipment for keeping livestock. The larger items are currently being kept at the adjacent farm and the smaller items are stored outside or in the outbuildings of Hooked Rise Farmhouse. I am satisfied that the types of machinery and equipment listed could reasonably be used for maintenance of the agricultural land.
10. The equipment to be stored includes items which need to be towed by a tractor or quad bike. As such, the proposed building would need to provide sufficient space not only to store these items but also to allow for the vehicles to manoeuvre to be hitched up to the equipment. This would be a significant factor in determining the size and scale of building required.
11. The Council accepts there is a need for equipment storage but considers that it could be met with a significantly smaller building. I note the apparent duplication in the function of some items, such as having a drum mower and

ride-on mowers. However, I consider that the smaller items would not make a significant difference to the size of the building required. As such I am satisfied that the size and configuration of the proposed building is not excessive to meet the need for storage of equipment to maintain the land.

12. There are no other buildings on the agricultural land that could otherwise meet the need for storage. I saw at my visit that the existing outbuildings within the garden were small structures that would not be suitable for larger equipment such as tractors. Furthermore, as the equipment would be used to maintain the agricultural land I consider it is reasonable for the appellant to seek to store it on that land rather than within the domestic garden area. All of the land is within the AONB and as such the development cannot reasonably be accommodated outside of the designated area.
13. I am therefore satisfied that there is a genuine agricultural need for a building of the scale proposed. Furthermore, I am satisfied that there are no other suitable buildings on the holding or in the vicinity which could meet this need. I therefore find no conflict with either the first paragraph or criterion 4 of Policy D7 of the LP, or criteria a) and b) of paragraph 172 of the Framework.
14. Turning to the impact on the landscape, Strategies 7 and 46 of the LP require, amongst other things, that development does not harm the distinctive landscape qualities of the area within which it is located; conserves and enhances the landscape character of the area and the quality and local distinctiveness of the natural and historic landscape character of East Devon, in particular in AONBs. Policies NE1 and NE2 of the Dunkeswell Neighbourhood Plan 2014 to 2031 (adopted December 2017) (the DNP) permit development, including new agricultural buildings on working farmland, where it would have no significant adverse impacts on the natural environment and does not compromise the special landscape character of the AONB.
15. Policy BE2 of the DNP allows development that does not have an adverse impact on Dunkeswell Airfield or its setting in the landscape. The airfield has historic significance due to its role in World War II. While the appeal site is outside of the defined area of the airfield it is close to it and was formerly part of its operational area. Given its proximity and historic association I consider that that the site is within the setting of the airfield.
16. While it would be on the same plateau as the airfield, the proposed building would not be located in an open area of the landscape or on the skyline. It would be in the corner of the field and in views from the airfield it would be largely screened by the existing copse of trees. Looking towards the airfield the upper part of the proposed building would be visible over the bund, however it would be seen against a backdrop of mature trees. The design of the proposed building would also be consistent with the other agricultural buildings that are scattered throughout the farmland surrounding the airfield. Consequently, the proposed building would not erode the open landscape or interrupt the extensive views to and from the airfield.
17. There are a number of agricultural buildings on Hooked Rise Farm and a single access track from the airfield that serves both the farm and Hooked Rise Farmhouse. The track encircles the land associated with both properties and, together with the bund, it forms a defined edge to the land. The effect is to create a sense of separation from the open expanse of the airfield. The proposed building would be seen as part of a cluster with the buildings at

Hooked Rise Farm, isolated from the land around it. As such, it would not lead to a dispersal of buildings away from other development.

18. I have found that there is a genuine agricultural need for a proposed agricultural building of this scale. I give great weight to conserving and enhancing the landscape of the AONB and consider that, for the reasons given above, the proposed building would conserve the distinctive characteristics of the area and the special landscape character of the AONB. Subject to use of suitable external materials, which can be secured by an appropriately worded planning condition, the proposed building would integrate with its surroundings. Its form, use, scale and character would respect the location and setting of Dunkeswell Airfield and would not compromise its significance.
19. I therefore conclude that the proposed building would not harm the character and appearance of the countryside, the special landscape character of the Blackdown Hills Area of Outstanding Natural Beauty or the setting of Dunkeswell Airfield. As such, I find no conflict with Policy D7 or Strategies 7 and 46 of the LP, or with Policies BE2, NE1, NE2 of the DNP. Furthermore, no conflict would arise with paragraph 172 of the Framework.

Conditions

20. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance (PPG). As a result I have amended some for consistency and clarity.
21. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty. I have imposed a condition to secure details of materials as this is necessary to safeguard the character and appearance of the area and the special landscape character of the AONB. Furthermore, due to the history of the site a condition is necessary to manage the risks from any unexpected contamination encountered during development.
22. A condition is also necessary to secure archaeological investigation of the site because the construction of the development has the potential to affect archaeological deposits. As such investigation must take place before construction commences, a pre-commencement condition is justified and has been agreed by the appellant.
23. The Council has suggested a condition limiting the use of the building to agricultural purposes and removing permitted development rights to change to other uses. I have had regard to the advice in the PPG on this matter¹ and consider that such a condition is necessary and reasonable in this case because the principle of such a building in the countryside is only justified to meet a specific, genuine agricultural need. Other uses would potentially harm the special landscape character of the AONB and would require full consideration.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

L McKay

INSPECTOR

¹ Paragraph: 017 Reference ID: 21a-017-20190723

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
17/PL/SLP/01, 17/PL/BLOCK PLAN/01, 17/PL/PRO. ELEVATIONS/01, 17/PL/FLOOR PLAN/01, 17/PL/ROOF PLAN/01
- 3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 4) Any contamination of soil and/or ground or surface water that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed only in accordance with the agreed method.
- 5) No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 6) The premises shall be used for agricultural purposes and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).