



Appeal Decision

Site visit made on 24 September 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2019

Appeal Ref: APP/P1133/W/19/3232460

Pathfield, Road Past Home Farm, Dacombe TQ12 4ST

- 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 John Churchward against the decision of Teignbridge District Council.
 - The application Ref 18/02312/FUL, dated 8 November 2018, was refused by notice dated 25 March 2019.
 - The development proposed is the use of land for Class B8 storage (caravans, trailers and motor vehicles).
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for Class B8 storage (caravans, trailers and motor vehicles) at Pathfield, Road Past Home Farm, Dacombe TQ12 4ST, in accordance with the terms of the application, Ref 18/02312/FUL, dated 8 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Site Plan, Block Plan (revised Block Plan, received by the Local Planning Authority on 31 January 2019).
 - 2) The storage hereby approved shall be restricted to caravans, trailers and motor vehicles. No more than 40 vehicles shall be stored on site at any one time, including no more than 6 private motor cars awaiting repair/refurbishment. All caravans, trailers and motor vehicles shall be stored at all times within their respective designated storage areas, as identified on the approved Block Plan.
 - 3) Prior to installation, details of any external lighting, including design, siting and illumination-type, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be retained in accordance with the approved details.
 - 4) All landscaping shown within the approved Block Plan shall be carried out by the end of the first planting season following the date of this decision. Once established all banks and planting shall be maintained to a height of at least 2.5m and any tree or shrub which, within a period of 5 years from the date of the permission dies, becomes damaged or diseased shall be replaced by others of a similar species. All hedge maintenance (lopping, cutting, trimming) shall be limited to periods outside of the bird breeding season (i.e September – January end each year).

Procedural Matter

2. At my visit I observed that the site is being used for storage, a hard surface has been laid, and the land divided into sections by landscaping and banks. However, not all of the works shown on the proposed plans have been carried out, and I determined the appeal strictly on the basis of the development subject to the Council's decision.

Main Issue

3. The main issue is the suitability of the location for the proposed use, with particular regard to (i) the character and appearance of the Area of Great Landscape Value (AGLV) and (ii) the safe and efficient operation of the highway network.

Reasons

4. The appeal site is open land which occupies the south east corner of the group of buildings and land known collectively as Pathfield. It occupies a rural location, set down within a valley floor amongst the Breccia Hills, in an Area of Great Landscape Value (AGLV). The east and south boundaries are adjacent to a Public Right of Way (PROW).
5. Pathfield previously operated as a nursery and a landscape contracting site and now contains the appellant's home, a Certified Location (CL), B1 and B8 commercial units, and a watercress farm located within its north-east corner. The lawfulness of the commercial units was certified in 2017¹.
6. Policy S22 of the Teignbridge Local Plan 2013-2033 (adopted 2013) (TLP), under criterion b), supports, amongst others, new business and tourist uses in the countryside. Policy EC3 of the TLP, under criterion e), supports, amongst others, new uses in the countryside with a strong functional link to other existing rural activity.
7. The appellant wishes to continue using the site to commercially store touring caravans and motorhomes, machines and vehicles. A number of the vehicles and motorhomes/caravans are respectively stored in connection with an existing commercial unit and the CL within Pathfield. Therefore, the proposal would maintain a strong functional link between these existing activities. As such, whilst I note the Council's view that there may be better locations for such storage elsewhere, the proposal would meet the above criteria of Policies S22 and ED3. In doing so, it would complement these adjacent enterprises and help to safeguard the economic benefits and jobs that they sustain.
8. Compliance with Policies S22 and EC3 is dependent on the scheme meeting a number of other requirements. Amongst other things, these relate to the effect of the proposal on the character and appearance of the area, in this case an AGLV, and the suitability of the highway network to deal with traffic from the development.

Character and appearance

9. The site relates first and foremost to the buildings and activities at Pathfield and is well enclosed from the surrounding countryside and PROW by substantial

¹ Under Ref 14/01469/CLDE

landscaped boundaries to the south and east. Approaching lanes are largely sunken, with visibility restricted by the land and hedgerows.

10. The storage would have an inherently low height and would be contained within landscaped plots. If the storage were to be observed at a distance from the surrounding area, it would be organised in such a way that it would be read in conjunction with the existing buildings and activities. Furthermore, any brief views in to the site at a shorter distance, such as from the PROW, would be reduced by the landscaping scheme, which would also provide some visual enhancement.
11. As such, whilst I note the Council's concern that the development would be prominent across the Breccia Hills, I find that the scheme would have an acceptable effect on the character and appearance of the AGLV.

The highway network

12. Paragraph 109 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
13. The narrow rural lanes which connect Pathfield to the nearest main roads provide limited opportunities for passing and are not well suited to large vehicles. However, vehicles are accessing Pathfield in association with the existing uses and would have done so during its previous iterations as a nursery and a contracting site. No evidence of previous incidents or particular examples of issues within the network have been provided, and this is a matter to which I attribute significant weight.
14. The appellant has approximated that the scheme would generate up to 10 trips of towed units each way per week. The uppermost number of vehicles that would be stored within the site could be limited by condition. Given such, and as the occasions on which towed vehicles would be moved would be largely dictated by the holiday season, I am satisfied that this figure is realistic.
15. Trips associated with the existing activities at Pathfield have also been approximated by the appellant, on a business by business basis. I have no reason to dispute these figures. I do acknowledge that, as the commercial units are unrestricted, this is subject to change, and could theoretically increase to the amount indicated by the interested party². However, there is no evidence before me that this would be the case.
16. Ultimately, even when taking the higher frequency of trips that could be generated by existing land uses into account, I find that the predicted levels of traffic generated by the proposal would add only modestly to the residual total of vehicles using the highway network. As such, on the basis of the evidence before me, I find that the proposal would not unacceptably affect the safe and efficient operation of the highway network.

Conclusion on main issue

17. I therefore conclude that the appeal site is a suitable location for the proposed use, with particular regard to the character and appearance of the AGLV and

² Using the government's Employment Density Guide 3rd Edition (2015)

the safe and efficient operation of the highway. It would comply with Policies S1, S1A, EC3, EN2A and S22 of the TLP which, amongst other things, require storage development to be located where it has an acceptable effect on the surrounding highway network and the landscape. It would also accord with the relevant guidance within the Framework.

Other Matters

18. I have had regard to a representation about the planning history at the site in relation to the dwelling at Pathfield. However, this does not appear directly relevant to the merits of the appeal proposal. There is also dispute as to whether or not the site constitutes previously developed land. However, I have found that the proposal would accord with the development plan notwithstanding its status in this regard.

Conditions

19. In the event that I was minded to allow the appeal, the Council requested conditions to be applied, which I have assessed with regard to the tests set out in the Framework and the advice of the Planning Practice Guidance. I have amended them where appropriate for the sake of brevity and precision.
20. As development has commenced, a time condition is unneeded. It is necessary to define the approved plans in the interest of certainty. Due to the location of the development, and in the interest of the character and appearance of the area, a condition is necessary to set a limit on the quantity of vehicles stored within the site and to ensure that the storage will be set into individual areas pursuant to the submitted block plan. In the interests of the character and appearance of the area and ecology, it is essential that any future lighting is agreed and retained as such. A condition is also required to ensure that the landscaping is fully delivered and retained in order to provide visual enhancement and assimilate the storage into its environment.

Conclusion

21. For the reasons outlined above, and taking all matters raised into account, including the planning history at the site, I shall allow the appeal.

Matthew Jones

INSPECTOR