
Appeal Decision

Site visit made on 8 October 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/P1133/W/19/3234611

Willow Springs, Land to north of Park House, Netherton, Newton Abbot, TQ12 4RW

- 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 Clive Hall against the decision of Teignbridge District Council.
 - The application Ref 19/00253/FUL, dated 6 February 2019, was refused by notice dated 29 March 2019.
 - The development proposed is an agricultural building for use as workshop and storage in connection with the maintenance and improvement of agricultural land.
-

Decision

1. The appeal is allowed and planning permission is granted for agricultural building for use as workshop and storage in connection with the maintenance and improvement of agricultural land at Willow Springs, Land to north of Park House, Netherton, Newton Abbot, TQ12 4RW in accordance with the terms of the application, Ref 19/00253/FUL, dated 6 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan – Proposed Ag. Building, Proposed North and South Elevations, Proposed East and West Elevations (rev. A) and Proposed Floor Plan.
 - 3) The building hereby permitted shall not be used for purposes other than in connection with the maintenance and improvement of agricultural land.

Procedural Matters

2. The Council indicates that planning history does not show permissions for existing development on the site, including items such as the metal access gate, track and hardstanding, timber sheds, pergola and caravan. However, there has been no suggestion that these are currently the subject of enforcement action and the appeal proposal is for an agricultural building only. Accordingly, I have restricted my consideration to what has been applied for.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, with particular regard to the undeveloped coast and justification for a building for agricultural purposes.

Reasons

4. As defined by the local plan, the appeal site is located within the countryside and Undeveloped Coast. In addition to the existing development described above, the site contains areas of grass and scrubland, various trees and a pond. Due to topography, hedgerows and trees, I observed on my site visit that the majority of the site is not particularly visible from the surrounding area, including from the highway and the nearby public footpath.
5. With walls of timber and stone and barn-style timber doors, the proposed development would have the appearance of an agricultural building. It would therefore not appear out of character or incongruous in relation to its rural surroundings and location within the Undeveloped Coast. With its single-storey height with pitched roof and a floor area of approximately 30-37 square metres, its scale would be relatively modest and it would not appear as a particularly significant feature. Land levels fall from west to east, and the building would be set down into the site, near to existing vegetation and trees and where the land begins to level out. It would also therefore not be in an especially open position nor particularly visible from the surrounding area.
6. Some elements, including the pergola and caravan, provide the site with a somewhat domestic appearance. However, despite the presence of these domestic-style items, the evidence before me indicates that the site has historically been used for agricultural purposes. The appellant also indicates that they use the site for the keeping of livestock including sheep, goats, geese, chickens and wildfowl, while the Council refers to the site containing some lambs and chickens and there were some ducks and chickens present at the time of my site visit. It seems to me that the site also contains sufficient space and characteristics for it to be usable for agricultural purposes. Albeit likely to be on a small scale given the limited size of the site, such use could reasonably be described as agriculture in relation to the definition contained within section 366 the Town and Country Planning Act 1990 (as amended).
7. The appeal proposal is described as an agricultural building for use as workshop and storage in connection with the maintenance and improvement of agricultural land. Stating that he intends to use the building solely for purposes required by, and incidental to, the agricultural use of the land, the appellant sets out that it would provide secure storage for items such as animal feed and bedding and agricultural tools and equipment. I have little evidence which indicates that it is not required for the purposes of agriculture and would not be used as such, and the agricultural use of the building could be secured by a planning condition. While it would provide a reasonably large workshop and storage space, the building's relatively modest scale also means that it would not appear as a particularly significant or oversized structure in relation to the size of the site and the extent of its agricultural use.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area, with particular regard to the undeveloped coast and justification for a building for agricultural purposes. I therefore find that it accords with Policies S22 and EN2 of the Teignbridge Local Plan 2013-2033. Amongst other aspects, these limit development within the open countryside and Undeveloped Coast to that required for the purposes of agriculture and which, having with regard to the distinctive characteristics and qualities of the locality and providing attractive

landscapes, do not detract from the character of the surrounding area. The proposal would also be broadly consistent with the provisions in the Framework in relation to conserving and enhancing the natural environment and supporting a prosperous rural economy.

Other matters

9. With each case determined on its own merits, allowing this development would not set a precedent. A change of use of the building in the future, such as to a residential use, would require separate planning permission because of the condition attached to this permission limiting its use to agricultural purposes.

Conclusion and Conditions

10. For the above reasons, the appeal is allowed.
11. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. I have also imposed a condition restricting the use of the building to purposes in connection with the maintenance and improvement of agricultural land. I recognise that Planning Practice Guidance sets out that such conditions may not pass the test of reasonableness or necessity. However, the condition restricting the building to an agricultural use is reasonable and necessary in this instance because the development plan restricts development in the open countryside and Undeveloped Coast to certain defined uses, including an agricultural use, and this is the proposed use of the building.

Tobias Gethin

INSPECTOR