



Appeal Decision

Site visit made on 19 November 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/X1118/W/19/3225305

Field 4932, Little Bray Lane, Brayford, Devon EX32 7QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A, Paragraph A.2.(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Karen Turner, KST Farming Ltd. against the decision of North Devon District Council.
 - The application Ref 65611, dated 24 September 2018, was refused by notice dated 24 January 2019.
 - The development proposed is an agricultural barn.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A, Paragraph A.2.(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting, design and external appearance of the agricultural barn at land at Field 4932, Little Bray Lane, Brayford, Devon EX32 7QG in accordance with the terms of the application Ref 65611, dated 24 September 2018, and the plans submitted with it.

Application for costs

2. An application for costs was made by Mrs Karen Turner, KST Farming Ltd. against North Devon District Council. This application is the subject of a separate Decision.

Preliminary matters

3. The appeal relates to an application for prior approval under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ("the GPDO"). The requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1) of the GPDO. Any development which is constructed not in accordance with the terms or conditions of the permission would be a risk of enforcement action.
4. I note that a previous Inspector¹ considering a building at the site found that the need for that building had not been demonstrated and its size was not justified by the appellant's agricultural operations. However, the assessment of the prior approval matters (in this case, the siting, design and external

¹ APP/X1118/W/16/3158058

appearance of the building), must be made in a context where the principle of the development is not, itself, an issue.

5. Moreover, the prior approval procedure set out under Part 6 of Schedule 2 of the GPDO makes no provision for any determination to be made as to whether the development would be permitted development ("PD"). Therefore, whilst there is considerable evidence pertaining to whether or not the building would be PD, including whether it is necessary for the purposes of agriculture on the holding, and an alleged conflict with Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 that sets out appropriate forms of development in the countryside, I cannot purport to decide that question.

Main Issue

6. The main issue is whether prior approval should be granted for the siting, design and external appearance of the building.

Reasons

7. The site in the open countryside is within an area of typically open land and is unrelated to any other development in the vicinity. The development at the site is, therefore, likely to have some effect on the character and appearance of the surrounding countryside.
8. The Council contends that the use of natural slate and rendered walls would be of a far more elaborate design than typical agricultural buildings, more akin to a commercial or office building. Indeed, there is no compelling justification for the design proposed with roller shutter and pedestrian access doors. However, these matters do not in themselves indicate that harm would arise, nor that prior approval should be withheld for the design and external appearance.
9. Moreover, the Council's appeal statement indicates that a detrimental impact on the intrinsic beauty of the countryside would only arise in the absence of a reasonable requirement for the building. Whilst the building would be large in massing and height and unrelated to any other development in the vicinity, there is little substance as to why demonstrable harm would arise, only that the Council considers it not to be typically agricultural in appearance.

Conclusion

10. With regard to the above I find that prior approval should be given for the siting, design and external appearance of the building.
11. Therefore, the appeal is allowed.

M Bale

INSPECTOR