



Appeal Decision

Site visit made on 16 December 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/P1133/W/19/3237755

Dawlish Water Farm, Ashcombe Road, Devon EX7 0QW

- 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 & Mrs R Orr against the decision of Teignbridge District Council.
 - The application Ref 19/01117/FUL, dated 31 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is for an agricultural building for smallholding.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural building for smallholding at Dawlish Water Farm, Ashcombe Road, Devon, EX7 0QW, in accordance with the terms of the application, Ref 19/01117/FUL, dated 31 May 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the application form and the following approved plans:
 - Site Location Plan Ref: Su.01 dated 31.05.2019
 - Block Plan Ref: A.01 dated 31.05.2019
 - Elevations Ref: A.04 dated 31.05.2019
 - Barn Plan Ref: A.02 dated 31.05.2019
 - Elevations Ref: A.03 dated 31.05.2019

Preliminary Matters

2. The description of the development has been taken from the application form. During my site visit, I noted that the agricultural building and an access track had already been constructed. The Council's decision notice also refers to the effects of the access track on the character and appearance of the area. As such, my decision relates to both elements.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the setting of the grade II listed, Dawlish Water Cottage.

Reasons

4. The appeal proposal lies within the setting of Dawlish Water Cottage which is a grade II listed building. Under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to have special regard to the desirability of preserving the building or its setting.

5. The listing description for Dawlish Water Cottage simply says that it is a C18, two storey cob building with hipped thatched roof, four altered casements and hipped weather porch. Its next door neighbour, Robin Cottage, has a very similar listing description despite that it has a much more limited landscape setting. Owing to its listing description and from the evidence before me, I consider that the significance of Dawlish Water Cottage derives primarily from its age, form and historic fabric. The landscape over which its principal elevation faces and the reverse public views of the principal elevation contribute moderately to its significance as a heritage asset.
6. The appeal site also lies within an Area of Great Landscape Value and falls within the 'Dawlish Hinterland Landscape Character Area' (LCA) as defined by the Teignbridge District Landscape Character Assessment 2009 (updated 2014). The LCA is noted as having a landscape character which is highly sensitive to change and a moderate visual sensitivity. One of the pressures for change include the construction of new, large-scale agricultural buildings that would be out of context with existing traditional, smaller-scale buildings. Specifically in relation to the appeal proposal, the recommendations suggest that new development should reflect the vernacular character.
7. The agricultural building and access track subject of the appeal have already been constructed. The access track is constructed from a compacted earth and crushed stone surface and grass is growing on parts of the top layer. The building is a generally open-fronted, high-sided timber building with shallow pitch roof. The building is set as close to the roadside hedge as levels allow and is separated from the principal elevation of Dawlish Water Cottage by approximately 60 metres.
8. Whilst the proportions and form of the building may differ slightly from a traditional agricultural livestock building, I saw many different types of agricultural buildings whilst travelling along Ashcombe Road. Despite the claim that there is a 'vernacular character', this suggests that there are in fact a variety of buildings within the LCA. Whilst the soft timber building is high-sided, it has a modest footprint and functional design. It appears suitably reflective of vernacular character for an agricultural building within this very rural LCA.
9. The building and access track are visible from some views in the surrounding area but appear to have been designed to respond to the challenging nature of the site and their siting in relation thereto. Whilst their presence has changed the field from an unspoiled sloping river field to one more identifiable as part of a managed smallholding, they are not incongruous or unsightly features. The materials of construction of the building are also the most logical in this natural setting, with the timber boarding having weathered to a natural tone and being readily identifiable as a building with an agricultural function. The track is an innocuous element in these wider views and appears to have softened since the photographs submitted with the appeal documentation were taken.
10. Despite its height, the agricultural building is little seen in views from the adjoining roadside owing to the existence of the intervening high hedge. This is even the case in winter when the leaf cover is at its sparsest.
11. In terms of the proposal's effects on the setting of the listed Cottage, the building features in views from its windows. However, due to the intervening distance and the siting of the building nestled against the slope adjoining the roadside, angled away from the view of the field and valley, it does not form an

obtrusive foreground element. In a similar manner to the holiday let building that sits within the lower area of the garden, the building is visible, but does not detract from the enjoyment of the Cottage or its garden. The access track is again largely inconspicuous in views from the Cottage, albeit that the livestock fencing adds to a degree of visual clutter. In roadside views of the Cottage from its garden gate, the agricultural building and access track are not seen at all.

12. The agricultural building and access track are seen in longer views from the gated access to the field on Lower Dawlish Water Road. These longer views are towards the principal elevation of the Cottage. Owing to the siting of the building, it does not obscure any part of the principal elevation of the Cottage. However, in these views, despite the intervening distance and evident difference in its form and function, the height of the building is particularly apparent and it appears to compete with the Cottage for visual prominence. This impact is partly mitigated by the backdrop of rising ground behind the building and Cottage which at least prevents the building standing proud of its surroundings or appearing to punctuate the skyline.
13. The access track forms a foreground element in these views and is on an alignment that is agreeably central and meandering in relation to the Cottage. However, it is the stockproof fencing to the higher side of the track that largely results in the view appearing cluttered. This perception of clutter detracts slightly from the serenity of the setting of the Cottage in this view.
14. The Council indicate that the barn would be better repositioned either more distant or closer to the Cottage and that its form should be amended to have lower sides and a steeper pitched roof. Given the challenging topography and constraint posed by Dawlish Water stream, there does not seem an obvious position within the area owned by the appellant that would better accommodate the building without similar effects on the landscape. I accept that its form of the building could appear more traditional with a more steeply pitched roof, but from my observations, the design is unremarkable and not a factor that detracts from the character or appearance of the area. The overall height of the building would appear to compete with the Cottage in one particular view, but if it is to achieve maximum use and operational efficiency, its two storey height would be similar in any case, largely irrespective of its form.
15. The Council also suggest that the fencing on the track edge and the small number of trees dotted elsewhere on the field should be removed in order to return the site to its agricultural character from that of a suburban or landscape garden. I have highlighted that these elements add to a degree of visual clutter, and there are no softening effects from the tree canopies which are yet to establish. It remains to be seen if and when they do, whether their effect would be to conceal more of the Cottage or soften its setting in a beneficial way. Nonetheless, I have considered the effects of the fencing and trees and the potential alternative fencing solutions which may appear less sympathetic, also mindful of the potential for many types of fencing to be erected using permitted development rights. Overall, these ancillary elements are not so harmful that their removal should be necessitated by condition.
16. Considered in the round, the proposal is suitably reflective of a vernacular agricultural building and thus maintains the distinctive character of the local

landscape. As such, the proposal complies with, in particular, Policies ENV2A and S22 of the Teignbridge Local Plan 2013 – 2033 (adopted 2014) (Local Plan). These policies, when read together, seek to conserve and enhance the qualities, character and distinctiveness of the locality, in particular in Areas of Great Landscape Value.

17. The proposal also complies with the relevant LCA recommendations in the Teignbridge District Landscape Character Assessment 2009 (updated 2014).
18. Local Plan Policy EN5 states that development proposals should take account of the significance, character, setting and local distinctiveness of any affected heritage asset. In terms of the effect of the proposal on the significance of the heritage asset, the proposal adds a degree of clutter and competes for dominance with it from a key viewpoint along the public highway. Given the moderate contribution of the landscape and views to and from the Cottage to its setting, the proposal detracts slightly from the significance of the asset. This degree of harm is considered to be at the lower end of less than substantial.

Planning balance and conclusion

19. The National Planning Policy Framework (the Framework), indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. The proposal is a key component of the business plan of the small holding which intends to sustain and create rural employment opportunities. Whilst the Council speculate that the scale of the proposal is akin to hobby farming as opposed to an agricultural business, the evidence and my observations point to a robust, yet environmentally sensitive and specialised business plan that seeks to generate a profit and which has and will continue to require dedication. The economic and social benefits of allowing such businesses to develop in challenging rural areas attracts great weight.
21. I do not ascribe any greater weight to the potential profitability of the business in relation to the costs associated with maintaining a heritage asset. Whilst these costs may be considerable, there is no specific mechanism to ensure that profits generated by the business are directed specifically to this purpose. I also note that the barn may be used informally by local organisations for nature-focused events and that these opportunities may be expanded in the future. Whilst laudable, there could be no certainty that such events would continue to be held.
22. Overall, I have attached great weight to the slight harm to the significance of the heritage asset. The public benefits of the proposal, described above, are considered to outweigh this harm.

Conditions

23. The Council have suggested the statutory time limit condition and a condition specifying the approved plans. As the development has already occurred, the time limit condition is not necessary. The plans condition is required in the

interests of certainty, although reference to the submitted flood risk assessment or agricultural statement is not necessary.

Conclusion

24. For the reasons set out above, the appeal is allowed.

Hollie Nicholls

INSPECTOR