

Appeal Decision

Site visit made on 10 December 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/J9497/W/19/3237306

Stippadon Farm, Stippadon Lane, South Brent TQ10 9DX

- 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 S Tribble against the decision of Dartmoor National Park Authority.
 - The application Ref 0133/19, dated 13 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is described as '*change of use from agriculture to equestrian and retention of existing field shelters*'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from agriculture to equestrian and field shelters at Stippadon Farm, Stippadon Lane, South Brent TQ10 9DX under the terms of the planning application Ref 0133/19, dated 13 March 2019, subject to the following 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: Site Location Plan (at 1:1000), Block Plan (at 1:500) and 19/09/01 A.
 - 3) The field shelters shall be used for private equestrian purposes only.

Procedural Matters

2. On site I observed two attached field shelters within the appeal site, with a third present elsewhere within the field. However, notwithstanding the description of development given within the planning application form, 'retention' is not an act of development. As such, I assessed the appeal strictly on the basis of the development subject to the Authority's decision. This is reflected within my decision above.
3. There is dispute between the parties as to whether the proposed shelters constitute operational development. However, planning permission is sought for them in any event. Furthermore, the extent of the appeal site effectively restricts the shelters to a single proposed location. This matter is therefore beyond the scope of this appeal, and I have not considered it further.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a small area of a sloped field within a rural part of the Dartmoor National Park (DNP), approximately 10m to the west of an existing barn and stable, from which it is separated by a post and rail fence and a small band of trees. The field is part of a relic medieval field network, which forms an attractive landscape with a strongly farmed character¹. The constrained presence of rural buildings adds to the pastoral appearance of the area.
6. The National Planning Policy Framework (the Framework) identifies that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. The conservation and enhancement of cultural heritage is also important in this respect.
7. The proposal seeks to locate three simple, single-storey shelters for equestrian purposes, measuring around 3.5m x 3.5m in plan, with the northern pair conjoined. Whilst I acknowledge the sensitivity of this part of the DNP, the shelters would be well screened from public view by existing hedgerows and, despite being on higher land, by the existing adjacent trees and buildings. From limited vantage points, such as the highway to the west, they would be read at a significant distance as innocuous buildings set within the undulating landscape. Despite the intervening fence and trees, the shelters would relate well with the barn and stable to the extent that they would not appear isolated.
8. Turning to the effect on landscape character, the shelters would maintain a utilitarian form commensurate to the agricultural character of the area and would sit wholly within the confines of the existing field layout. There would be no subdivision nor alteration to established field boundaries. Even considered cumulatively with existing buildings, the structures would leave the character and pattern of the relic field system intact. As such, whilst I recognise that equine development has the potential to harm the DNP, its cultural heritage, landscape and scenic beauty would be conserved in this case.
9. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with Policies COR1, COR3, COR4, DMD1b, DMD5 and DMD33 of the Dartmoor National Park Authority Core Strategy (adopted 2008) insofar as they require development to conserve and/or enhance the DNP's landscape character. I also find no conflict with the relevant aims of the Framework.

Other Matters

10. The Authority has questioned the need for the shelters under the terms of Policy DM33. However, the appellant has evidenced that there are specific circumstances at play with the horses in this case which, to my mind, demonstrate a current need for the shelters and which justify their location.
11. The Authority has brought to my attention appeal decisions on sites elsewhere². However, the circumstances were not entirely applicable in those cases and matters surrounding character and appearance are site specific and fact sensitive, relying upon the exercise of planning judgement. Therefore, these appeal decisions carry very limited in my assessment.

¹ As identified within the DNP Historic Landscape Character assessment and the South Brent Tithe Map

² Appeal refs 2224932, 3151497 and 3169229

12. The Authority has determined that the scheme would be unlikely to have a significant effect on the South Hams Special Area of Conservation. I have no reason to disagree with that conclusion.

Conditions

13. As the proposed development was not implemented at the time of my visit, a timing condition is necessary. In the interests of certainty, a condition is essential to identify the approved plans. As I have found that the shelters would be acceptable, it is not necessary to require their future removal in order to protect the character and appearance of the DNP.
14. The Council has suggested a condition relating to the repositioning of shelters. The shelters to which the condition refers are undefined and existing shelters are outside the scope of the appeal in any case. Consequently, such a condition would not be reasonable or necessary. However, I do agree that a condition is necessary to ensure that activities within the appeal site remain private, not commercial, in order to protect the character and appearance of the area.

Conclusion

15. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR