



Appeal Decision

Site visit made on 26 May 2020

by Roy Curnow MA BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/J9497/C/20/3244238

Building on land approximately 450m South East of Whiteabury Cross, Chagford, Newton Abbot

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Edward Thorn against an enforcement notice issued by Dartmoor National Park Authority (NPA).
 - The enforcement notice, numbered ENF/0028/19, was issued on 21 November 2019.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of the erection of a wooden agricultural building on the Land in the approximate position as shown on the Plan.
 - The requirements of the notice are (1) Permanently remove the Building from the Land, including all debris and materials; and (2) Restore the Land to its former condition.
 - The period for compliance with the requirements is within 90 days of this Notice taking effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a wooden agricultural building on land at approximately 450m South East of Whiteabury Cross, Chagford, Newton Abbot referred to in the notice, subject to the following conditions:
 - 1) The agricultural building hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon it becoming redundant for such purposes, the building shall be removed and the land reinstated to its former condition within a period of six months, unless the Local Planning Authority shall grant planning permission for an alternative use of the building.
 - 2) No external lighting shall be installed on or adjacent to the building hereby approved.

Main Issue

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

Reasons

3. The site lies in the open countryside on the east side of the A382 that links Moretonhampstead and Easton Cross. Although the National Park Authority (NPA) has not provided me with a copy of The Landscape Character Assessment for Dartmoor National Park, the NPA state that the site lies within its Landscape Character Area '2D Moorland Edge Slopes' (LCA). As this has not been challenged by the appellant, I take it to be the case. I find that the description of the area's features, set out in paragraphs 1.3 and 1.4 of the NPA's statement, accurately depict the area and reflect the valued attributes for this LCA, set out in paragraph 1.5 of its statement.
4. The purpose of National Parks¹ is to conserve and enhance the natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. This is reflected in the policies of the NPA's Local Development Framework Core Strategy 2006-2026, June 2008, (CS) and its Development Management and Delivery Plan, July 2013, (DMP).
5. DMP Policy DMD34 permits, amongst other things, proposals for agricultural development, subject to compliance with a list of criteria. This policy and the supporting text in section 2.21 of the DMP set out the importance of protecting the Park's character and appearance and the balance that has to be reached between this and support for economic development. This reflects the guidance in the National Planning Policy Framework, (the Framework), and English National Parks and the Broads: UK Government Vision and Circular 2010 (the Circular). Paragraph 172 of the Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
6. Part of the first criterion of Policy DMD34 is that there should be a demonstrable need for a proposed development. The lane from Forder Farm to Easton Cross is very narrow, fairly steep in parts and has sharp bends. From Easton Cross to the site, farm traffic uses the A382. This road, which does not have generous width, is subject to the national speed restriction and I saw that traffic passes the site at quite high speed. The field gate is only slightly set back from the edge of the carriageway. As a result, traffic entering the field from the direction of Forder Farm would be likely to have to cross the white line into the northbound lane to make the turn into the field. The visibility available to drivers of vehicles entering the carriageway from the field is extremely limited and sub-standard. This route caused difficulties for the appellant when travelling to and from the site on a daily basis to deliver feed.
7. Although the A382 is relatively straight in the vicinity of the site, offering good forward visibility to drivers of vehicles approaching the site on this road, both inward and outward manoeuvres at the access cause highway danger. Using the building for storage reduces trips between the farm and the field. This not only benefits farming on the holding, but improves highway safety for road users generally. This accords with that part of CS Policy COR1 that promotes health, safety and well-being, and paragraph 5.2.7 of the supporting text to CS Policy COR3 that describes maintaining farming communities on Dartmoor as "essential".

¹ Section 5 - National Parks and Access to the Countryside Act 1949

8. This demonstrates the need for the building, required in the first criterion of DMP Policy DMD34.
9. The agricultural building occupies an isolated position, but it is not unique in this regard in the area. The appellant states that this does not conform to NPA policy. However, DMP Policy DMD34 does not rule this out. The building is of a simple agricultural design that is well-related to its function, and its size is proportionate to the use of the land. The building is briefly seen from the A382 through the field gate; save for this it is effectively screened by the hedges bounding this and adjacent fields. It relates well to the rolling landscape, and is next to a hedgerow where trees provide a mitigating backdrop when seen from the gate. As such, it is not a prominent or intrusive feature in the landscape. It is, rather, a sympathetic addition to it that conforms with criteria (i)-(iv) of the policy, and I have no evidence before me to show that it causes harm to those assets referred to in criterion (v) of the policy. From the submissions, neither criteria (vi) or (vii) of the policy are relevant to the proposal. The building therefore meets the relevant tests for agricultural development set out in DMP Policy DMD34.
10. For the above reasons, the building does not have an adverse effect on the character and appearance of the area in accordance with CS Policy COR3 and DMP Policies DMD1b and DMD5, and also accords with the design principles of CS Policy COR4. Therefore I find that it represents sustainable development in accordance with the terms of CS Policy COR1 and is in accordance with the Framework and the Circular. In this case, there is no conflict between the aims contained in the purpose of the National Park and, therefore, it follows that there is no conflict with the Sandford principle.

Conditions

11. The NPA has proposed two conditions, should the appeal be allowed. The appellant has not commented on them. The final paragraph to DMP Policy DMD34 states that where planning permission is granted for a new agricultural building, a condition will be attached requiring its removal if it should subsequently become redundant and there is no other acceptable use. This justifies condition 1, which I find is necessary and reasonable. Were the building to be illuminated it would become far more conspicuous and cause harm to the character and appearance of the landscape. Therefore, condition 2 is also necessary and reasonable.

Conclusion

12. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the erection of a wooden agricultural building as described in the notice.

R Curnow

INSPECTOR