



Appeal Decision

Site visit made on 21 July 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/W1145/W/20/3247353

Reeds Farm, Beaford, Devon EX19 8LR

- 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 John Palmer against the decision of Torridge District Council.
 - The application Ref 1/0433/2019/FUL, dated 20 May 2019, was refused by notice dated 29 August 2019.
 - The development proposed is for the erection of a timber building to serve part of the site to be used for bee keeping and growing of exotic plants.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber building and polytunnels to serve part of the site to be used for bee keeping and growing of exotic plants at Reeds Farm, Beaford, Devon EX19 8LR in accordance with the terms of the application, Ref 1/0433/2019/FUL, dated 20 May 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (dated 07-05-2019); Block Plan (titled Site Location Plan, dated 17/06/2019); Drainage layout; Proposed Polytunnels (elevations, floor plan and section); and Timber Building (elevations, section and floor plan, dated May 2019).
 - 2) Within 3 months of the date of this decision, details of the proposed foul drainage system including percolation tests shall be submitted to the Local Planning Authority for their approval in writing. The approved drainage system shall be implemented on the site within 6 months of the date of this decision and retained thereafter.

Procedural Matters

2. At my site visit, I saw that the timber building had been constructed. The appeal documents also include reference to the provision of polytunnels, as shown on the proposed site plan and included within the description of development on the Council's Decision Notice. I have therefore dealt with the appeal on this basis and amended the description of development taken from the application form to better capture the scope of the development.

Main Issues

3. The main issues are:

- whether the proposed development would be in an appropriate location, with particular regard to the timber building and its effect on the character and appearance of the surrounding area; and
- whether drainage provision on the site would be adequate for the proposed development.

Reasons

Location

4. Situated outside of the development boundary of Beaford, the appeal site is defined by the North Devon and Torridge Local Plan 2011-2031 (NDTLP) as being within the countryside. Forming part of a field, the site clearly relates to its rural setting. However, being located on the edge of Beaford, there is a variety of built form in the vicinity of the site, including agricultural and residential buildings. A water treatment works is also located nearby.
5. Although the timber building has a semi-domestic appearance due to aspects such as its glazed doors and windows, the materials used in the construction of its roof and walls ensure that it has a relatively rustic and understated design. It therefore reads as a building that would not be unexpected in a rural setting and does not appear out of character with its countryside and edge-of-settlement situation. Its appearance also sufficiently responds to its context and it does not appear incongruous in relation to the varied built form in the surrounding area.
6. The sloping topography of the area and the screening provided by existing hedges, trees and soft landscaping means that the site and timber building are not particularly visible from the surrounding area. Although there may be greater visibility when trees and plants are not in leaf, I observed on my site visit that the timber building, given its relatively low profile and that it has been built down into the site, would be likely to only be visible in limited views from the highway during the winter months. The Design and Access Statement also refers to the planting of a new hedge and on my site visit I observed numerous young trees planted to the rear of the timber building. It seems to me that these will clearly provide additional screening as they mature.
7. NDTLP Policy ST07 sets out that development in the countryside will be limited to, amongst other aspects, that which is enabled to meet local economic and social needs and development which is necessarily restricted to a countryside location. On my site visit, I observed that the timber building housed various equipment to serve the bee keeping and farming-related, plant growing activities as referred to by the appellant. There were also seven bee hives on the site – significantly more than at the time of the Council’s decision – and bases for additional hives. Amongst other aspects, the appellant indicates that the development would supply a local need for pollinators for local farms.
8. With the current number of bee hives and the proposed number of polytunnels, the existing and proposed activities appear to be sufficient to justify and support the need for the building and would make reasonable use of the land. Furthermore, the keeping of bees and the growing of plants clearly requires a certain amount of space. With the development intended to serve these activities, it therefore seems to me that the need for such space also necessitates the site’s countryside location.

9. I note that the Council queries the location of the timber building in relation to the bee hives and its central position within the field and separation from existing buildings. However, given my findings regarding the development's effect on the character and appearance of the surrounding area, its limited visibility in the locality and that it would meet a local need and is restricted to a countryside location, the central position of the timber building within the field does not lead me to a different conclusion.
10. For the above reasons, I conclude that the proposed development would be in an appropriate location, with particular regard to the timber building and its effect on the character and appearance of the surrounding area. I therefore find that it accords with NDTLP Policies ST04, ST07, DM04 and DM08A. Amongst other aspects, these: set out the Council's spatial development strategy for northern Devon's rural area; and require high quality design that is appropriate to its setting, respects landscape character and responds to and reinforces the characteristics of the locality.

Drainage

11. An existing non-mains foul drainage system is proposed to be used to provide drainage for the development. This would involve a septic tank and discharge to a drainage field or soakaway.
12. The appellant's submitted percolation test results show an average percolation value of 13.58. As identified by the Council, this is below the minimum value set out in BS6297:2007 to ensure that untreated effluent cannot percolate too rapidly into the ground and potentially pollute groundwater.
13. However, the available evidence indicates that this does not mean that satisfactory drainage cannot be provided on the site. For example, the comments of the Council's Environmental Protection Team on the planning application indicate that percolation rates below 15 require a permit from the Environment Agency. Alternatively, the team suggests that further percolation tests could be undertaken to demonstrate that minimum values can be achieved without tertiary treatment. Failing that, additional treatment measures – such as the installation of reed bed filtration, a pond or connection to the main sewage, as suggested by the appellant – could be provided.
14. There is little substantive evidence before me which indicates that all of these options would be unachievable. I note that South West Water have also suggested that the development be connected to the public foul or combined sewer, and the submitted drainage layout plan shows a public sewer running near to the site. Furthermore, the appellant's Foul Drainage Assessment Form indicates that the system would discharge to a drainage field that would be designed and constructed in accordance with BS6297:2007.
15. Accordingly, it would in this instance be reasonable and relevant to use a planning condition to secure the provision of further details relating to foul drainage on the site. This would ensure that drainage provision would be adequate and the proposed development would thus not pollute groundwater. I therefore find that it accords with NDTLP Policy DM02. Amongst other aspects, this sets out that development will be supported where it does not result in unacceptable impacts to pollution of ground water.

Other matters

16. The Council does not allege that the development would harm the Beaford Conservation Area, and the heritage officer has not objected. Having considered the development and visited the site, I concur with that view. Accordingly, I find that the development would preserve the character and appearance of the designated heritage asset and its setting.

Conditions

17. I have had regard to the various planning conditions that have been suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted to and considered by the Council where relevant.
18. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition relating to drainage is necessary to ensure that the development does not pollute groundwater. This condition also covers the matters raised by South West Water.
19. However, the standard time limit condition is not necessary because the development has already begun and the timber building has been constructed. Given the building would not be suitable for residential occupancy and such a use has not been applied for, it is not necessary to include a condition in relation to this matter. The Council have also not suggested such a restriction.

Conclusion

20. For the above reasons, the appeal is allowed.

Tobias Gethin

INSPECTOR