



Appeal Decision

Site visit made on 11 August 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMi

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/P1133/W/20/3253015

Whitemoor Farm, Doddiscombsleigh, Exeter, EX6 7PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Charles Lacey against Teignbridge District Council.
 - The application Ref 20/00112/FUL, is dated 20 January 2020.
 - The development proposed is the extension of agricultural building to house pellet press, enlarged concrete apron and bund.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of agricultural building to house pellet press, enlarged concrete apron and bund at Whitemoor Farm, Doddiscombsleigh, Exeter, EX6 7PU in accordance with the terms of the application, Ref 20/00112/FUL, dated 20 January 2020, subject to the attached schedule of conditions.

Procedural matters

2. I have determined the appeal on the plans submitted.
3. The description of the proposed development in the banner heading above was amended from the original application form for clarity. This followed confirmation from the appellant that the description of the development referred to above is that which was advertised and is as stated on the appeal form.
4. Representation has been received regarding the existing use of the site and a previous planning permission relating to the construction of the barn. However, I have considered the appeal solely on that which was applied for, on the evidence provided and on its own merits. The decision is not intended to regularise wider existing operations of the business beyond the description of the proposed development above.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of neighbours, with particular regard to noise and light emission.

Reasons

6. The appeal site is located within a quiet densely wooded area away from any immediate neighbouring buildings. An existing partially open sided barn sits on the site, currently housing a pellet press and other machinery. The proposed

- development would enlarge the existing building to provide separate housing for the pellet press and create a bund and enlarged concrete apron.
7. Background noise levels at the boundary of the site are low. Reference has been made in the evidence provided by the main parties that background noise levels were 27dB LAQ90, when previously measured by environmental health at the boundary of the neighbouring property to the South East. These measures included the sound generated from existing solar powered fans at the site. These fans were in operation at the time of my visit and were inaudible from the surrounding trees, the latter being only a short walk from the building housing the fans.
 8. The noise report provided by the appellant focuses on the predicted noise levels associated with the pellet press at the property boundary with the neighbouring property to the South East. The report details that the anticipated noise levels associated with the operation of the pellet press in the proposed sound insulated extension would be reduced to approximately 17 dB SPL when measured at the neighbouring property. At such levels the Pellet Press would be inaudible.
 9. As the proposed extension of the building is relatively modest and primarily intended to house the pellet press I have no substantive evidence that operations of other existing machinery at the site would be expanded or hours of operation extended. Similarly, that there would be any unacceptable noise created as result of the proposed development to neighbours or wildlife. Likewise, I have no reason to consider that the harvesting and movement of the wood used in the process would extend beyond that which currently occurs or would be expected of a managed forest.
 10. As the proposed development is an extension to an existing building I have considered whether it would be likely that increased traffic noise would be generated compared to the existing situation. However, I have no substantive information before me to suggest that this would be the case.
 11. In the absence of substantive evidence to the contrary I therefore consider that the proposed development would not result in harm to the living conditions of neighbours or the surrounding area with regard to noise.
 12. The proposed plans do not include any detail indicating that there would be any external lighting. In its current form the proposal would not therefore lead to harm in terms of light emission from external light sources. However, I do consider that should the situation change such lighting would need to be appropriately located and directed to avoid harm to neighbours and biodiversity given the proximity to the forest. Therefore, it is necessary to include a condition of planning permission to require the detail of any intended external lighting scheme to be agreed with the Council prior to installation.
 13. Therefore, the proposed development, with the appropriate use of conditions would accord with Policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033, 2014, (Local Plan) which amongst other things seeks to ensure development is sustainable and has associated mitigation of noise and light. Similarly, the development would accord with policies S22, EC1 and EC3 of the Local Plan which seek amongst other things to ensure sustainable development in the countryside relating to rural business is supported. Likewise, the proposal accords with policies EN2A, EN8, EN9 and EN11 which broadly have

similar intentions of protecting the landscape, biodiversity and the wider environment.

14. The proposed development would also accord with the National Planning Policy Framework, 2019, when read as a whole.
15. It is understood that the site is within a Cirl bunting wintering zone. The species is listed as a UK Biodiversity Action Plan (UK BAP) priority species. Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on decision makers to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Given the scheme is a small extension to an existing building I do not consider the proposed development would adversely effect the species. Reference has been made to other protected species in the area, however this is not supported by substantive evidence and has not been referred to by the Council.

Conditions

16. For accuracy and consistency a condition relating to conforming with the approved plans is required.
17. The Council have proposed a condition relating to noise associated with the wider operation of the site not exceeding background noise levels. Similarly, the requirement for noise assessments to demonstrate that the extension and wider noise generated at the site conform with such a condition prior to usage. In the event of the noise being above background levels, a mitigation plan would be required and for the approval of the Council.
18. I do not consider these conditions to be required as they appear to relate to the existing operations of the business rather than the proposed development before me. The noise report evidences that the proposed development would not result in harm to neighbours' living conditions with regard noise. As such to impose conditions on the proposed development relating to noise, including an undefined assessment and subsequent potential mitigation strategy, would not be reasonable or necessary.
19. The Council have proposed a condition regarding hours of operation of the wider business. I do not consider this to be reasonable or necessary given the business is already in operation and no substantive evidence has been provided to demonstrate that the small proposed extension of the site would lead to extended hours of operation.
20. In order to ensure against future harm a condition is included relating to any intended external lighting, for clarity and accuracy I have amended the condition as agreed between the appellant and the Council.

Other matters

21. The proposal relates to the extension of an existing building within a cleared area of managed forest. As such, on the evidence before me, with the exception of any future external lighting as dealt with above via a condition, I do not consider that the proposed development would adversely effect biodiversity, the Area of Great Landscape Value or local environment. Similarly, the proposal is not considered to require an Environmental Impact Assessment.

22. Various concerns have been raised regarding the wider current operation of the existing business, including noise, vibration, unauthorised usage and environmental sustainability. However, none of these issues are before me in this appeal. Any existing unauthorised use or unacceptable effects of the existing operation is a matter for the appropriate body to consider and act upon if necessary. Furthermore, I have no substantive evidence before me to demonstrate that the proposed development constitutes a change of use as it is an extension to an existing agricultural building.
23. The issue of highway safety has been raised as of concern further to potential increased comings and goings from the site. However, I have no reason to consider that the proposed development would attract increased vehicles to the site. Representation has been made regarding operational safety issues of existing equipment at the site, however I have no substantive evidence of this before me.
24. Having had regard to all other matters raised, I do not reach a different conclusion on the appeal before me.

Conclusion

25. For the reasons above the appeal is allowed and planning permission is granted for the proposed development.

M Scriven

INSPECTOR

*** Schedule of 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 approved plans;
 - Block Plan
 - Site Location Plan
 - Drawing no. TDC1 Proposed elevations of pellet plant and building
 - Drawing no. 7 & 8 (TDC3) Section through proposed bund
 - Drawing no. TDC4 Proposed site plan
 - Drawing no. TDC5 Section key
 - Drawing no. 9 (TDC8) Proposed section through new soil heap
 - Drawing no. TDC11 Proposed Floor Plan position of new soil pile
 - Drawing no. TDC12 Proposed Floor Plan – Building Extension and Concrete Apron
- 3) Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include locations and details of all proposed external lighting and all lighting sources shall be directed downwards or otherwise shielded, so as to keep all light and glare confined to the site. Any installation of external lighting will be in strict accordance with the approved details.

** ENDS **