



Appeal Decision

Site visit made on 25 August 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMi

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/Q1153/W/20/3253445

Land at SX448766, East of Summer Green, Lamerton PL19 8FJ

- 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 M Bassett against the decision of West Devon Borough Council.
 - The application Ref 2291/19/FUL, dated 15 July 2019, was refused by notice dated 5 December 2019.
 - The development proposed is the erection of farm building and part retrospective track.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans submitted as although evidence of a partially cut track exists, given its condition, I cannot be certain that it accurately reflects the proposed plans.
3. The emerging Lamerton Neighbourhood Plan (NP) is understood to have been subject to Regulation 14 consultation in early 2019. Therefore, although not yet adopted its intentions still carry weight in the decision.
4. I understand that the wider site has been subject to previous enforcement appeals¹. However, I have considered the appeal on its own merits and on the evidence before me.
5. The Council mistakenly referred to the Plymouth & Southwest Devon Joint Local Plan 2014-2034, adopted 2019 (JLP), Policy Dev25 rather than Policy Dev23 in their second reason for refusal. This mistake is clarified in the Council's appeal statement and parties have had opportunity to comment on its content. Therefore, I have also had particular regard to Policy DEV23 in the decision.

Main Issues

The main issues are;

- Whether there is an evidenced need for the proposed development in the countryside.
- The effect of the proposed development on the character and appearance of the area.

Reasons

¹ APP/Q1153/C/19/3237396, APP/Q1153/C/19/3237397

The need for the proposed development

6. The appeal site forms part of a large field understood to be used for grazing and hay cutting. An existing barn is located close to the field's southern boundary, adjacent to a gated access leading to public highway. The existing barn appears to have a sound concrete base and is partially constructed of blockwork walling. Although the existing barn is clearly in need of repair, I have little information before me to demonstrate that repairs would not be practicable.
7. The ground fronting the existing barn is wet and the proposed barn would be located at the highpoint of the field which appeared dry at the time of my visit. However, I have little substantive evidence that the ground conditions at the existing barn are preventing any current agricultural use. The barn floor, was wet in places, however, I have no reason to consider that the wetness was not as result of the general condition of the roof above.
8. A small number of sheep were grazing at the time of my visit. However, no detail has been provided to demonstrate the need for an additional barn at the site in terms of any current or intended size of livestock herd. Similarly, little detail has been provided to suggest what agricultural machinery owned by the appellant, or any tenant, would be stored at the proposed development that could not be stored elsewhere or in the existing building if repaired, likewise fodder. Such concerns were identified at the time of the original application and have not been addressed in the evidence submitted for the appeal.
9. I acknowledge that the proposed barn would appear to be more fit for purpose, including for lambing, than the existing barn in its current condition. However, this does not in itself make the proposed development necessary. Although the appellant has stated the new barn would result in betterment for neighbours no detail has been provided as to what this betterment would be. I also appreciate that the proposed development would be accessible to public highway via the access at Summer Green. However, I have no evidence to suggest the existing barn is inaccessible to highway or that the existing access is unsafe.
10. The appellant is of the view that the JLP Policy TTV26 should not apply to agricultural development. It is clear that the policy's broad intentions are to protect the special characteristics and role of the countryside. I accept that the site does not appear isolated. However, it is not stated that the policy only relates to isolated residential development proposals. Similarly, part 2 of the policy and its justification includes that consideration should be made to the re-use of existing buildings when considering development proposals.
11. Therefore, the proposed development would not accord with policies TTV26 & Dev15 of the JLP which seek to ensure that development in the countryside should be necessary and evidenced, re-using existing buildings wherever possible.
12. The proposed development would also not accord with the emerging NP, when read as a whole.

Character and appearance

13. The character and appearance of the area is positively defined by a farmed landscape with pasture fields, rounded hills and undulating slopes. The site itself sits in an area understood to be known locally as the 'Green Triangle',

although not apparently subject to any protected designation, it is valued by the community for its perceptual and visual qualities and is referred to in the emerging NP as such. The recent residential development at Summer Green and existing hardstanding associated with the nearby playing fields does not positively define the prevailing landscape in any way. As such, albeit not isolated, the proposed development would by no means be an extension of existing development given its clear separation from that nearby.

14. Unlike the existing partially open sided barn, which is positioned largely screened from view, the proposed development would introduce a large, tall, structure at the top of the hillside, constructed of materials including block work, and metal sheeting. By virtue of the materials used, albeit functional, the closed sided barn would appear as a harmful prominent feature in the landscape, irrespective of it be largely unseen from the road to the south.
15. Notwithstanding other large barns exist in the area, many are at least partially open sided and, or, are of stone construction. This breaks up their overall form and assimilates the buildings better in the landscape than the proposal before me. Similarly, such buildings including that which currently exists in the field, are generally positioned so that they are less prominent in the landscape than that which is proposed. Although partially screened by hedgerow and trees to the north and west, the proposed barn would be visible from viewpoints to the east and nearby properties to the south. It also appeared many of the established trees were deciduous, as such existing screening would be temporal throughout the year.
16. The track which partially exists and that which is shown in the plans, bisects the field, creating a prominent, harmful feature in an otherwise green pasture landscape, disrupting the overall character and appearance of the area. Notwithstanding the appellant's view, similar tracks did not appear to be an established norm in the landscape. The appellant has proposed to screen the intended track with associated landscaping and earthworks via the use of a condition. However, given the length of the proposed track, such works would themselves appear at odds with the surrounding landscape. Similarly, any landscaping would take time to establish itself.
17. Although the proposed development would fill a relatively small space in the landscape and notwithstanding the appellant's view that the addition of an agricultural building in an agricultural landscape should be acceptable, the proposed development as a whole, would appear at harmful contrast to its surrounds. I acknowledge that the emerging NP refers to the Green Triangle as an area to be protected for agricultural use. However, this does not mean all proposed agricultural development in the area should be permitted.
18. The proposed development would therefore not accord with Policies Dev20 and Dev23 of the LP which amongst other things, seek to ensure development proposals contribute positively to their surrounds and scenic quality of the landscape. As the location is not in any protected landscape and is some way from its nearest boundary Policy Dev25 is not considered relevant to the decision, albeit this is a neutral consideration.
19. The proposed development would also not accord with the emerging NP, when read as a whole.

20. The appellant has referred to the National Planning Policy Framework, 2019 (the Framework). The Framework places a presumption in favour of sustainable development, which for the reasons above, the proposed development has not been evidenced to meet.

Other matters

21. Although the appellant contends that there would be no adverse effects associated with the proposed development with regard ecology, this is no more than a neutral consideration in the appeal. Reference is made for the potential to create additional hedgerows and banks in addition to that proposed for screening the proposed track. However, no indicative proposals have been provided to consider whether this would amount to a biodiversity net gain.

Conclusion

22. In the absence of substantive evidence to the contrary, the proposed development is not considered to be necessary in the proposed location. It would also be harmful to the character and appearance of the area.
23. Therefore, for the reasons above, the appeal is dismissed.

M Scriven

INSPECTOR