



Appeal Decision

Site visit made on 12 August 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/K1128/W/20/3253422

Land at end of Shute Park, Malborough, Kingsbridge, Devon TQ7 3SU

- 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 Mark Greatorex against the decision of South Hams District Council.
 - The application Ref 3575/19/FUL, received by the local planning authority on 4 November 2019, was refused by notice dated 22 May 2020.
 - The development proposed is agricultural building 13.72m X 12.19m – general purpose agricultural use.
-

Decision

1. The appeal is allowed and planning permission is granted for agricultural building 13.72m X 12.19m – general purpose agricultural use at Land at end of Shute Park, Malborough, Kingsbridge, Devon TQ7 3SU in accordance with the terms of the application, Ref 3575/19/FUL, received by the local planning authority on 4 November 2019, and the plans submitted with it, 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: A01 (east/west elevations), A02 (south/north elevations), Plan View (roof plan), Site Location Plan; revised Block Plan.
 - 3) Prior to their installation, details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Main Issues

2. The main issues are:
 - a) The effect of the development on the landscape character of the South Devon Area of Outstanding Natural Beauty (the AONB) and the Undeveloped Coast, and whether any harm in this regard is outweighed by the agricultural need for the building; and,
 - b) Whether the means of access could safely accommodate the vehicles associated with the development.

Reasons

Landscape character of the AONB

3. The appeal site lies within a parcel of approximately 2.9 Hectares of agricultural land close to the southern edge of the built form of Malborough. The land is a constituent part of the wider, high quality AONB landscape, of rolling fields with mature hedgerows, which surrounds the village. Access to the site is gained via an unmade track leading off a residential cul-de-sac, Shute Hill. The land is separated from the houses by a narrow intervening field. There is a building on the land, which lies close to the northern boundary hedge. It is irregularly shaped, but covers approximately 100 square metres, with a maximum height of about 3 metres. It is proposed to replace this structure with a building of 167 square metres, and a ridge height of 5 metres.
4. Paragraph 172 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policy DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan) is consistent with this advice. The site also lies within the Undeveloped Coast, where Policy DEV24 of the Local Plan resists development that would harm its undeveloped and unspoilt character, appearance and tranquillity. Development plan policies and national advice therefore provide strong protection for the appearance of these designated landscapes. They do not, however, place an in-principle restriction on development that would preserve landscape character.
5. The proposed building would replace the existing one. Although it would be a little further away from the northern boundary hedge, it would overlap the footprint of the existing building, so would be in the same general location. Its landscape impact would therefore primarily result from its increased footprint and ridge height. The building would still be effectively screened in views from the houses in Shute Park by the high hedgerow on the northern boundary. Although there are some gaps in this hedge, which would enable glimpses of the building, the impact on the wider landscape from this viewpoint would be little different to that of the existing building.
6. The existing building is visible through the access to the site from the public right of way (PROW) to the east. The repositioning of the building, further from the northern boundary, would result in it being better screened by the high hedge on the eastern boundary of the land than the existing building is. Although its higher roof may be visible above this hedge, the overall impact on the landscape, when viewed from the PROW at this point, would not be harmful. The high hedgerows along the eastern boundary of the land, and flanking the PROW, mean that the building would not be visible from the footpath from any point further south.
7. The site is more visible in the wider landscape in open views from the south and west. From the south, however, the building would be seen in association with the built form of the village on rising land beyond. Although the roof of the building would be higher, it would be dark-coloured, and viewed against the backdrop of the northern boundary hedge, so would not result in it being a markedly more prominent landscape feature than the existing building.

8. The site can be viewed from the road to the west, over a field access gate. The existing building is not concealed by the northern boundary hedge from this viewpoint so, again, the relocation of the building, a little further away from the hedge, would not increase its prominence in the landscape. From here, the building would be seen against the high hedge on the eastern boundary, with rising land and buildings beyond. The increase in the footprint and height of the building would, therefore, have little impact on the appearance of the wider landscape. Consequently, I conclude that there would be no harm to the landscape character of the AONB or Undeveloped Coast from any of these vantage points.
9. Policy DEV15 of the Local Plan seeks to support the rural economy, including development that meets the essential needs of agriculture. It also supports small businesses in rural areas, where there is no harm to neighbouring uses or the environment.
10. The appellants acquired the land in June 2019, with the intention of improving its biodiversity and establishing a rural business, based around produce from the land. Work has started on grassland management and the creation of a wildflower meadow. Willow growing has commenced, with the intention of increasing production and using the whips for basket-weaving. It is planned to plant fruit trees and establish beehives. The fruit and honey would be used to make artisan products, or sold to other local producers. There are also tentative plans to introduce livestock to the holding to aid grassland management. These activities would require a suitable building to house the necessary machinery and equipment, and to dry or store the produce.
11. The evidence includes a list of items to be stored in the barn, and the area required for each. Most of these, including the shipping container, tractors, mini digger, trailers and rollers are already on the site, and are stored in the open. So, whilst many of the projects have not yet started, or are still embryonic, there has been an investment in the necessary machinery and equipment to establish the rural business.
12. The existing building already contains other machinery and equipment and does not have sufficient height for the storage of the tractors. Furthermore, it is in a poor state of repair, so would be unsuitable for the drying, storage and processing of food products. Although the future development of the enterprise is not set out in a clear business plan, there has already been a significant investment in machinery, and some progress has been made on establishing the wildflower meadow, willow beds and beehives. I have no reason, therefore, to doubt the intention to engage in the rural agricultural business.
13. The schedule of items to be stored demonstrates that the proposed building would be reasonably necessary to house the agricultural equipment that is already on the site. Furthermore, the proposed building would provide weatherproof accommodation for the future expansion and diversification of the agricultural business. The proposal is therefore supported by Policy DEV15 and, as there would be no harm to the landscape, the agricultural need for the building does not require more detailed justification.
14. On the first main issue, I conclude that there would be no harm to the landscape character of the AONB and Undeveloped Coast, and that the building is reasonably required to support the emerging agricultural business. The development would therefore comply with Policies TTV1, TTV26, DEV15,

DEV23, DEV24 and DEV25 of the Local Plan, and Policy 28 of the Malborough Neighbourhood Plan 2014-2034. In combination, these policies seek to protect the special characteristics of the countryside; support the rural economy, including rural business and farm diversification initiatives; and conserve the landscape character of the AONB and Undeveloped Coast.

Means of access

15. The track giving access to the site is narrow, unmade, and contained by hedgebanks on both sides, with low overhanging branches. It is not suitable for general vehicular use, but serves as an agricultural/equestrian access for the appeal site and other land parcels in the vicinity. Domestic scale vehicles were parked on the appeal site and adjoining land at the time of my visit. The track is also used by pedestrians accessing the PROW from Shute Hill. A significant increase in the vehicular use of the track could therefore result in conflict with walkers.
16. The agricultural activity on the land has already commenced, and the necessary vehicles and agricultural equipment are already on-site. The current activities on the land require the appellant to travel to the site by vehicle, and it is envisaged that this would be on a daily basis as the enterprise develops. It is primarily, therefore, the agricultural use of the land that gives rise to vehicle movements on the track, rather than the use of the proposed building. Whilst the building would allow some diversification of the business, the evidence does not indicate that this would result in a significant increase in the number of traffic movements to the site, or the nature of vehicles using the track.
17. The restricted nature of the track prevents its use by anything other than domestic or small agricultural vehicles. The appellant's stated aspirations for the business do not indicate that there would be frequent movements of large quantities of materials, or produce, to or from the site that would require bigger vehicles. Moreover, the larger, more secure, building would allow for the storage of equipment, produce and feed that might otherwise have to be stored offsite and transported to and from the holding. Consequently, withholding permission for the building would be likely to place restrictions on the diversification of the rural business, but would not, necessarily, reduce the number of traffic movements on the track.
18. Even if there were to be a modest increase in vehicular movements to and from the site, they would still be infrequent. Furthermore, the track is straight, so the entrance from Shute Park is visible from a point about 15 metres north of the access to the site. A driver of a vehicle leaving the appeal site would therefore have a good view of approaching pedestrians, and, with a short reversing manoeuvre back into the access, could wait for them to pass before proceeding. Similarly, pedestrians entering the track from Shute Lane would see an approaching vehicle, and could wait for it to exit the track before continuing. In view of the low levels of vehicular and pedestrian traffic on the track, these encounters would be uncommon, and the proposal would not result in a material increase in their likelihood.
19. The nature of the track could pose logistical difficulties during the construction phase, particularly in the delivery of materials to the site. However, the appellant's evidence indicates that an alternative route across adjacent fields would be used for this purpose. Any other increase in vehicular use of the track

during the construction of the building would be of limited duration, so would not result in any long-term conflict with its use by pedestrians.

20. I therefore conclude on this issue that, as the building would not result in a significant increase in traffic movements, the track could safely accommodate the vehicles associated with the development. Consequently, I find no conflict with Policies TTV26 and DEV29 of the Local Plan, which seek to protect and improve public rights of way, and provide safe and satisfactory traffic movement and vehicular access.

Other Matters

21. Concerns have been raised in representations that the building would result in an increase in noise, which would disturb nearby residents. However, the agricultural use of the building would not be inherently noisy and, in view of the distance to the nearest house, would be unlikely to be harmful to residential amenity. The building would allow the maintenance of machinery inside, rather than in the open, which would help to contain any associated noise.
22. Concern has also been raised regarding the impact of the development on wildlife, particularly bats and birds that may use the existing building. However, the application was supported by an expert ecological appraisal, which concluded that the existing building did not provide roosting opportunities for bats, and that there were no signs of any use by birds.
23. It has been suggested that the building may be used for other purposes in the future. There is no substantive evidence to support these concerns and, in any event, the permission that results from this appeal is for an agricultural building. Any material change of its use would require planning permission.

Conditions

24. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has not suggested any other conditions. However, in order to ensure that the building does not harm the landscape character of the AONB, I have imposed a condition requiring approval of the external materials.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR