



Appeal Decision

Site visit made on 5 October 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/X1118/W/20/3255229

Land at Broadpark, East Down, Barnstaple, Devon EX31 4NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under required under Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Dominic McGuire against the decision of North Devon District Council.
 - The application Ref 71324, dated 15 March 2020, was refused by notice dated 3 April 2020.
 - The development proposed is a steel portal frame barn for the storage of forestry equipment.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the siting, design and external appearance of a steel portal frame barn for the storage of forestry equipment at Land at Broadpark, East Down, Barnstaple, Devon EX31 4NA in accordance with the terms of the application Ref 71324, dated 15 March 2020, and the plans submitted with it.

Procedural Matter

2. The Council's decision notice does not explicitly state that prior approval is refused. However, looking at the notice as a whole, including the statement of the applicant's rights, in addition to the Council's evidence submitted with the appeal, it is reasonable to read the notice as a refusal of prior approval.

Preliminary Matters and Main Issue

3. Class E of Part 6, Schedule 2 of the Order permits, amongst other things, the carrying out on land, used for the purposes of forestry, development reasonably necessary for those purposes consisting of works for the erection of a building. This is subject to the conditions set out within paragraph E.2 of the Order.
4. The Council no longer disputes whether or not the barn is reasonably necessary for the purposes of forestry and, with due regard to relevant case law, this matter falls beyond the scope of my remit in any case¹.
5. Given such, the main issue is confined to the siting, design and external appearance of the barn in accordance with condition E.2(1)(a) of the Order.

¹ R (on the application of Marshall) v East Dorset District Council and Pitman [2018] EWHC 226 (admin)

Reasons

6. The site is a long and quite thin parcel of curving land set down within a valley. The surrounding area is decidedly rural, with verdant agricultural fields scattered with isolated houses, farm buildings and residential barn conversions.
7. The barn would be located towards the west extremity of the appeal site, in a secluded and low-lying position far from principal public views from the nearest highway. The building would be a reasonably modest structure with a simple palette of materials, leading it to have a utilitarian form compatible with this rural environment. Accordingly, I find that the siting, design and external appearance of the building would not result in harm to the surrounding area.

Conclusion

8. I conclude that the siting, design and external appearance of the building would be acceptable and therefore, the appeal should be allowed.

Matthew Jones

INSPECTOR