



Appeal Decision

Site visit made on 12 April 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/J9497/W/20/3264167

Field No 8271 to the South of Teign Village, Newton Abbot, Devon

- 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 David Wombwell against the decision of Dartmoor National Park Authority.
 - The application Ref 0147/20, dated 5 March 2020, was refused by notice dated 3 July 2020.
 - The development proposed is erection of livestock building (13.5 x 9m) and creation of access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of livestock building (13.5 x 9m) and creation of access at Field No 8271 to the South of Teign Village, Newton Abbot, Devon, in accordance with the terms of the application, Ref 0147/20, dated 5 March 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. The description of development has been taken from the Authority's decision notice as it more concisely describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site comprises two adjoining fields totalling approximately 6 hectares which generally slope downwards in an easterly direction. A rural road which provides access to the site runs to the south, adjoining the hedgerow boundary. There are clusters of rural buildings visible from the site in a north-westerly direction and Teign Village itself lies to the north. From the rural road leading to the site, a number of buildings are visible, immediately adjoining the junction to the south-east (recently constructed¹) and others in the vicinity of the waste-water treatment works.
5. The site lies within the Dartmoor National Park and is consistent with the relevant landscape character type² of which it forms a part. It has a pastoral use, is undulating, the fields are medium sized and are typically enclosed by

¹ By way of approval reference 0352/17 dated 11 September 2017

² Landscape Character Assessment for Dartmoor National Park (2017): 3A Upper Farmed and Wooded Slopes

- Devon hedge banks. There are some hedgerow trees, and small clusters of woodland on the lower lying areas and a watercourse in the lowest lying point.
6. The proposal involves the construction of a modest livestock building set lower than the current ground level. It would be used to house the appellant's cattle over winter to avoid poaching of the land and to maximise the quality of the pasture. In addition, a new field gate access and area of hardstanding would be provided. Other aspects of the proposal include the provision of a new hedgerow, new areas of tree planting and surface water infrastructure.
 7. From the evidence, it appears that the building would be smaller than those previously refused and the Authority does not raise any particular issue with its scale or design in relation to its intended purpose. I do not find any reason to reach an alternative view. The disputed issue is whether the building would be visually and physically isolated from existing building groups and visually prominent when viewed from the public highway.
 8. In my view, there is some degree of a visual relationship between the proposed area of the site with other rural and domestic buildings in the wider landscape. Whilst there would be a separation between the building and others, the area is not so isolated or devoid of buildings that it would despoil the area or appear an uncharacteristic intrusion within the National Park landscape. The specific location of the access would take advantage of an existing gap in the vegetation and would eventually introduce a greater number of trees behind an improved Devon bank, inset behind the visibility splays.
 9. In terms of the prominence from the road, it is logical that the building would be sited in reasonable proximity of the access point for convenience. The site chosen would however be set at a naturally low point on the site, with further reduced levels, in order to minimise its visual prominence and constitutes a thoughtful approach to the siting of the building within an agricultural landscape, relative to the landform and existing features on site.
 10. I appreciate that all National Park landscapes are valued as much as those more characteristic areas of open moorland and that they are collectively attributed the highest status of protection in relation to conserving and enhancing landscape and scenic beauty. However, the nature, scale, siting and design of the proposal would be compatible with the special qualities of this particular area of Dartmoor National Park, owing also to its satisfactory relationship with existing buildings and visual effects in public views.
 11. In view of this main issue, the proposal would maintain the character and appearance of the area and would thus comply with, in particular, Policies COR1, COR3 and COR4 of the Core Strategy³, and Policies DMD1b, DMD5 and DMD34 of the DMD⁴, which collectively require new development, including agricultural development, to demonstrate the conservation and enhancement of the character and special qualities of the Dartmoor National Park landscape, having regard to scale, layout, design and materials. For similar reasons it would also comply with the Dartmoor National Park Design Guide (2011) which advises that new agricultural buildings should be well designed, of good quality, functional and thoughtfully sited in the landscape.

³ Dartmoor National Park Authority – Local Development Framework Core Strategy Development Plan Document (2008)

⁴ Dartmoor National Park Authority – Development Management and Delivery Development Plan Document (2013)

Conditions

12. In addition to the statutory time limit, a condition specifying the approved plans is necessary in the interests of certainty.
13. In the interests of highway safety, the visibility splays should be provided to the specification required by the Authority's highway consultee and should be maintained as such.
14. In order to maintain the water quality of the area, a condition is necessary specifying the manner in which run-off shall be managed.
15. Given the overarching policy thrust to restrict development in the National Park unless specifically justified, a condition specifying the agricultural use of the building is necessary and its removal in the event that it is no longer required for such a purpose.
16. In the interests of the character and appearance of the area, it is necessary to secure the proposed landscaping measures by condition. Lastly, a condition preventing the use of external lighting is necessary in the interests of maintaining the rural landscape and biodiversity value of the area in terms of the potential effects on light-sensitive species.

Conclusion

17. The proposal complies with the development plan, when read as a whole. Consequently, the appeal is allowed.

Hollie Nicholls

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 following approved plans:
 - Site Location Plan
 - Plan ref 1315/A dated 10-08-2019
- 3) Notwithstanding the details shown on the approved plans and prior to the first use of the building hereby permitted, visibility splays of 25 metres set 2.4 metres back from the carriageway edge shall be provided in both directions. Following their provision, no structures shall be placed, or trees or other vegetation shall be allowed to grow above 600 mm in height within the visibility splays.
- 4) All waste water, including surface water, shall be disposed of so as to prevent discharge to any well, borehole, spring or watercourse, including any dry ditch forming a connection to a watercourse.
- 5) The agricultural building hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon its becoming redundant for such purposes, the building shall be removed and the land reinstated to its former condition within a period of six months.
- 6) The proposed hedging and landscaping hereby approved shall be planted in accordance with the approved details within twelve months of the commencement of the development. The landscaping shall be maintained for a period of not less than five years from the date of the commencement of the development, such maintenance to include the replacement of any trees or shrubs that die or are removed.
- 7) At no times shall any external lighting be installed or used in association with the development hereby approved.