



Appeal Decision

Site Visit made on 31 March 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2021

Appeal Ref: APP/J9497/W/20/3260309

Longford Quarry, Moorshop, Tavistock PL19 9LQ

- 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 & Mrs D & N Alford against the decision of Dartmoor National Park Authority.
 - The application Ref 0160/20, dated 9 March 2020, was refused by notice dated 10 July 2020.
 - The development proposed is change of use of building from agriculture and part of former quarry to B1 and B8 storage only.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of Longford Cottage, with particular regard to noise and disturbance.

Reasons

3. A previous appeal¹ in connection with a proposal for the change of use from agricultural (sui generis) to B1, B8 and sui generis found that the mix of uses would cause harm to the living conditions of the neighbouring residents at Longford Cottage. The Inspector observed that B1 uses were, by definition, compatible with residential uses, and that B8 storage uses within the building would be unlikely to adversely affect the amenities of adjoining occupiers.
4. However, the previous Inspector found that a B8 distribution use could potentially generate a reasonable level of vehicle movements that could cause disturbance so as to adversely affecting living conditions. This proposal seeks permission for B8 storage uses only and the Authority's appeal statement notes that traffic generation is likely to be small.
5. However, the previous Decision indicated that the 'red-line' of the appeal site boundary was tightly drawn around the building itself. By contrast, the current proposal includes a large area of the former quarry. Use of this area, some of which is very close to Longford Cottage, for storage or other ancillary activities could generate significant noise and disturbance. While the hours of activity could be limited, such could occur for prolonged periods on most days. I am not satisfied that planning conditions limiting the use could be sufficiently precisely drafted so as to safeguard living conditions.

¹ Ref. APP/J9497/W/19/3238941

6. Longford Cottage is associated with a commercial boarding kennel and cattery. Its occupiers, therefore, may be disturbed by their own business activities. However, whilst promotional material in connection with the kennels indicates an intensive care regime for the boarders, there is no substantive evidence that this is particularly noisy. It is also fully within the control of the occupiers of Longford Cottage and so I attribute this limited weight.
7. There is a history of commercial use at the site, which was a former quarry. However, I understand that this ceased some considerable time ago and there is no particular evidence that its resumption is likely. I, therefore, attribute very limited weight to the history of uses at the site. There is also no substantive evidence that the site is likely to host noisy agricultural activity.
8. I, therefore, find that the proposal would conflict with those aims of Policy DMD4 of the Dartmoor National Park Development Management and Delivery Development Plan Document 2013 which seek to ensure that proposals do not introduce levels of noise, vibration, odours, fumes or dust that would adversely affect human health and wellbeing.

Other Matters

9. The Authority's reason for refusal refers to the inappropriateness of the location for the use and effect on the wider aims of the National Park. However, aside from the identified harm, the previous Inspector clearly found the use to be appropriate in this location and that there would be no conflict with the development plan in that regard. Whilst I understand that there remains local concern about these matters, there is no substantive evidence to lead me away from the earlier findings.
10. The proposal would offer employment opportunities. There are numerous representations confirming the need for such facilities, but the evidence is largely anecdotal. I also note that the proposal would help to support a farming enterprise, but there is no detailed evidence about the extent of that support or effect on the enterprise. Therefore, I give these benefits only moderate weight.

Conclusion

11. The harm to living conditions would result in a conflict with the development plan. For the reasons given, material considerations do not outweigh this harm. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR