

Appeal Decision

Site visit made on 8 June 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/J9497/W/21/3269846

Field, Land of Willey Lane, Sticklepath, Okehampton

- 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 Brownless against the decision of Dartmoor National Park Authority.
 - The application Ref 0471/20, dated 27 August 2020, was refused by notice dated 22 December 2020.
 - The development proposed is erection of open fronted agricultural building and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of open fronted agricultural building and associated landscaping at Field, Land of Willey Lane, Sticklepath, Okehampton, in accordance with the terms of the application, Ref 0471/20, dated 27 August 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Brownless against Dartmoor National Park Authority. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area and whether it would conserve or enhance the special qualities of Dartmoor National Park (DNP).

Reasons

4. The appeal site is formed from a yard sectioned off from a wider pastoral field with fencing and vegetated bunds. The yard surface is compacted earth with some shingle and it has two small structures against the eastern boundary; one is a metal storage container, the other is a timber and metal open-fronted storage building. I understand that neither structure has planning permission but that the creation of the hardsurfaced yard is not believed to have required planning permission in connection with the agricultural use of the land.
5. The appeal site is in a rural position approximately 0.8 km to the north-west of the village of Sticklepath. It is accessed via an unmade, tree-lined lane. The remainder of the land adjoining the site, extending to approximately 1.08 hectares, is in the ownership of the appellant. Another 1.5 hectares of adjoining land is rented.

6. The appeal scheme would involve the construction of a 3-bay, timber, pitched-roof, open-fronted agricultural building against the southern bund enclosure, facing north into the yard and just offset from the gateway opening. The building would be approximately 10 metres long by 6 metres wide with a height of 3 metres to the eaves and 4 metres to the ridge.
7. Whilst the Authority indicate that the appeal proposal would introduce buildings in an isolated position which is largely devoid of such, I noted that there were two small stable buildings positioned to the west of the field on adjoining land, against the boundary of which the appellant has planted a number of trees. I also noted that the enclosure of the yard with the bunds, construction of fencing, land drainage works and other landscaping measures have effectively enclosed the yard to an extent that the building would not appear incongruous in its context, but would now be seen against site features which have established well and are befitting of the enclosed valley farmland Landscape Character Type in which it is situated (5A: Inland Elevated Undulating Land)¹.
8. I have considered the details about the need for the building and the business plans of the appellant to purchase a flock of sheep. Given that there were sheep grazing on the land at the time of my visit, including some young lambs, it appears that the business has evolved as planned and that the justified need for the building now exists more clearly than was the case at the time that the appeal application was made. This conclusion is reached on the basis that the need for the building is exclusively for agricultural purposes and not in any way for an associated turf production business which I understand may be a separate venture of the appellant.
9. I note that the materials of construction of the building would be timber and dark metal profiled sheeting for the roof. These are typical materials for rural buildings, and with the open-fronted design, it could not appear as anything other than an agricultural building of a scale and form well related to its function and agricultural context. Along with the enhanced landscaping to increase the height of vegetation along the bunds, to supplement the greenery in what is already a verdant area with densely tree-lined hedges, the impact of the building would be limited to close-range views from the adjoining lane.
10. Whilst the small container and separate open-fronted store may not have planning permission, they are tucked in a discreet position within the yard. Permission could be sought retrospectively for their retention or consideration given to their removal otherwise, but in any case, I am not entirely reliant on their existence in order to consider the appeal proposal acceptable.
11. For the reasons set out above, the appeal proposal would not harm the character or appearance of the area and would thus comply with Policies COR1, COR3, COR4 of the Core Strategy DPD² and Policies DMD1b, DMD5 and DMD34 of the DMD³. These Policies, amongst other things, collectively seek to conserve and enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities and seek to ensure development is of a scale and layout appropriate to the site and its surroundings.

¹ Landscape Character Assessment for Dartmoor: 2017

² Local Development Framework - Core Strategy Development Plan Document - 2008

³ Development Management and Delivery Development Plan Document - 2013

Other Matters

12. I have had regard to the appeal decision referenced by the Authority⁴ in relation to a predominantly equestrian-related development. That was found to be harmful owing to the scale of the building relative to the size of the host field and the lack of other similar developments in the surrounding area, resulting in a degree of incongruity and harm to tranquillity. Whilst there are few other examples in the surrounding area, the proposal would not be entirely isolated in the host landscape, given its relationship with the nearby stable buildings. It would also appear in proportion with the respective yard and larger pastoral field in which it would be sited, in contrast to the other appeal scheme brought to my attention.

Conditions

13. In addition to the statutory time limit, a condition is necessary specifying the plans in the interests of certainty.
14. In the interests of the character and appearance of the area, a condition is required to limit the use of the building to agricultural purposes. For similar reasons, a condition is required specifying the colour and type of roof material and a separate condition is required to seek details and implementation of the necessary landscaping scheme.
15. Lastly, in the interests of the biodiversity value and character of the area, a condition is required to limit the use of external lighting.

Conclusion

16. The proposal complies with the development plan, when taken as a whole. There are no other reasons to indicate that a decision should be taken in accordance therewith.
17. For the reasons set out above, the appeal is allowed.

Hollie Nicholls

INSPECTOR

⁴ Appeal ref: APP/J9497/W/16/3151497

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
 - Proposed Elevations, Ref 1001 RA
 - Block Plan, Ref 1002 RA
 - Elevation and floor plan, Ref 1003
- 3) The agricultural building hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon it becoming redundant for such purposes, the building shall be removed, and the land reinstated to its former condition within a period of six months.
- 4) The roof of the building hereby approved shall be covered in a dark grey coloured profiled metal sheeting.
- 5) Within twelve months of commencement of the development hereby permitted, trees and shrubs shall be planted in accordance with a scheme which shall previously have been submitted to, and approved by, the Local Planning Authority. Any tree or shrub planted in accordance with this condition which dies or is removed shall be replaced in accordance with directions issued by the Local Planning Authority.
- 6) Prior to the installation of any external lighting to be used in association with the development hereby permitted, details of the proposed external lighting shall be submitted to the Local Planning Authority for approval. Thereafter, only approved external lighting shall be used in the development.