



Appeal Decision

Site Visit made on 5 July 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2021

Appeal Ref: APP/K1128/W/21/3271970

Land at Lower Mill Park, West Alvington, Kingsbridge, TQ7 3BL

- 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 Watkins against the decision of South Hams District Council.
 - The application Ref 1770/20/FUL, dated 15 June 2020, was refused by notice dated 9 December 2020.
 - The development proposed is provision for a general purpose agricultural building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) and undeveloped coast.

Reasons

3. The site is located in a rural landscape. A mosaic of managed fields and ad-hoc buildings gives it an agricultural character, of which the proposal would become a part. However, a general absence of built form gives an undeveloped appearance which, together with views to and from the nearby estuary are befitting of the undeveloped coast designation. These little developed hills and coastal views are a clear part of the scenic beauty of this part of the AONB.
4. An agricultural consultant, appointed by the Council, has confirmed that there is a need for a building on the land holding to support agricultural operations. Although a number of local residents disagree, there is no substantive evidence that the size of building proposed is not commensurate with the likely needs of this land parcel. A building on the appellants land can, therefore, be justified.
5. However, the building would occupy a prominent location in relation to relatively close-range views from roads and footpaths on the opposite side of the valley. A footpath also passes through the site, which would afford very close-range views. While an adjoining copse would provide an established backdrop to the building in these views and the materials may well be recessive in colour and texture, it would, nevertheless be clearly visible. A Landscape Appraisal Report (LAR) sets out that these moderate negative effects could be reduced to neutral effects with mitigation planting. However, while this planting would give some opportunity to utilise locally distinctive landscape features such as Devon hedgebanks, and may provide biodiversity

enhancement, there would be harm for the intervening period of between 15 and 20 years. This is a significant length of time.

6. In accordance with the National Planning Policy Framework, great weight must be given to conserving or enhancing the landscape and scenic beauty of the AONB. Policy DEV24 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) sets out that development that would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the undeveloped coast will not be permitted except under exceptional circumstances.
7. While it may be that all of the appellant's local land holding is within the undeveloped coast and Policy DEV24 does permit agricultural development, the evidence suggests that an alternative site was originally proposed. I have been provided with extracts from an earlier LAR that identified that alternative site as the least visually sensitive. The appellant indicates that concerns had been raised about the alternative location, but does not set out what they were. Evidence in the Council's officer report suggests that due to proximity to ecologically sensitive sites, Natural England had requested clarification over drainage and landscape management proposals. There is no substantive evidence, though, that this amounted to an insurmountable objection and there is no detailed justification for the now proposed sensitive siting.
8. I, therefore, find that the harm to the scenic beauty of the AONB and the characteristics of the undeveloped coast has not been justified. The proposal, would be contrary to LP Policies DEV23, DEV24, DEV25 and TTV26 that seek to ensure that development is located to respect scenic quality, protects the unspoilt character of the countryside and undeveloped coast, and scenic beauty of AONBs.

Other Matters

9. Permitted development rights are available for buildings to be erected on holdings of this size. However, the evidence indicates that such a proposal for a building on the appellants land did not pass the associated prior approval procedure. There is, therefore, no substantive evidence of a realistic fallback position utilising permitted development rights.
10. I am aware that other agricultural buildings have been allowed, on appeal, in the undeveloped coast and AONB. I have already noted that the relevant policies indicate that agricultural development may be acceptable. However, the appeal decision to which I have specifically been directed involved the replacement of an existing building where the Inspector found no overall harm would arise. The cases are not, therefore, comparable and do not lead me away from my earlier findings.

Conclusion

11. With regard to the above, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR