



Appeal Decision

Site visit made on 1 October 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2021

Appeal Ref: APP/U1105/W/21/3277782

Combehayes Farm, The Dairy Barn, Lane To Combehayes Farm, Honiton EX14 9TS

- 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 Nick Smith against the decision of East Devon District Council.
 - The application Ref 20/2461/FUL, dated 3 November 2020, was refused by notice dated 25 January 2021.
 - The development proposed is general purpose agricultural building (resubmission of application 19/2722FUL).
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Decision

1. The appeal is allowed and planning permission is granted for general purpose agricultural building at Combehayes Farm, The Dairy Barn, Lane To Combehayes Farm, Honiton EX14 9TS under the terms of the application Ref 20/2461/FUL, dated 3 November 2020, and subject to the conditions in the attached schedule.

Procedural Matters

2. I have referred to the description of development in my decision above only insofar as it relates to the proposed development and not the site history.
3. Since the appeal was submitted, the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the revised Framework without prejudice to either party.

Main Issues

4. The main issues are:
 - whether or not there is a genuine agricultural need for the proposal; and,
 - the effect of the proposal on the character and appearance of the area, with reference to the East Devon Area of Outstanding Natural Beauty (the AONB) and the Grade II listed Combehayes Farmhouse and its associated barns.

Reasons

Genuine agricultural need

5. Policy D7 of the East Devon Local Plan 2013 to 2031 (adopted 2016) (EDLP) allows for agricultural buildings subject to certain stipulations. In the first instance, there must be a 'genuine agricultural need for the development'. This term is not further defined. The policy contains no express requirement for the

need to relate to a trade or business, to relate to land within the appellant's control nor to land upon which the appeal site is located. I have taken genuine to have its standard meaning as something that is sincere, authentic.

6. The building is needed to securely store the appellant's collection of farm machinery. These are intrinsically agricultural machines expressly designed for the purposes of agriculture. When in use, they are used for no other purpose but those related to agriculture, except for the occasional appearance at country fairs or charity events. Their continued, functional preservation is predicated on working the land, and I understand that they do so, on the appellant's land and at the larger holdings referenced within the evidence.
7. Whilst the Council suggests that buildings on these existing farms elsewhere could house the machinery, there is no clear evidence before me that this may be the case. As the appellant is the owner of the machinery and the workshop with which they are maintained is onsite, it would be impractical for them to be stored at a multitude of alternative sites outwith the appellant's control.
8. For these reasons, I conclude on this issue that their proposed storage translates to a genuine agricultural need. The proposal would accord with Policy D7 in this regard.

Character and appearance

9. The site is a small area of field aside a modern, recently constructed barn¹. It is accessed via a track which passes between the Grade II listed Combehayes Farmhouse (the Farmhouse) and its associated barns, now converted into dwellings, which together form the historic Combehayes Farm. As the site falls within the setting of the Farmhouse, I have a duty to have special regard to the impact of the proposal on the setting of the listed building.
10. The significance the Farmhouse deriving from its setting relates to its position within the agrarian landscape aside the converted barns, which allows for the legibility of the building as a onetime farmhouse. The authenticity of the historic farmstead has, however, become eroded somewhat as it is now beset by domestic fencing, outbuildings and other paraphernalia.
11. Whilst situated on land higher than Combehayes Farm, the proposed building would relate well to the adjacent modern barn and would be separated from the former farmstead by a short area of grassland, with very little intervisibility between it and the Farmhouse. When experienced in conjunction with the farmstead, it would read as modest and utilitarian addition to the area, akin to a logical expansion of farming operations. Its modern form would prevent it from challenging the authentic appearance of the historic barns of Combehayes Farm. Consequently, the significance that the Farmhouse draws from its setting, and the historic character of Combehayes Farm, would be unharmed.
12. The site also falls within the AONB, a designation afforded the highest status of protection by the Framework with regard to its landscape and scenic beauty. The proposal would augment the modern agricultural form which already exists in this location, would nestle somewhat into a discrete corner of the field, aside vegetation, and would be largely screened from public view. As such, it would have an insignificant effect on the landscape and scenic beauty of the AONB.

¹ Granted pursuant to Ref 16/2833/FUL)

13. Accordingly, I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area, with reference to the AONB and the Farmhouse and its associated barns. It would accord with the landscape and heritage aims of Strategies 7 and 46 and Policies D1 and D7 of the EDLP and the Framework.

Other Matters

14. There is no substantive evidence that the construction of and subsequent use of the proposed building would challenge the structural integrity of nearby walls nor the oak tree close by. The separation distance between the site and the nearest third-party houses would ensure a satisfactory impact upon the living conditions of neighbouring residents with reference to noise. Traffic associated with the proposal would be generated if the machines were to be externally stored on the site in any event. Commercial use of the building beyond agriculture would in all likelihood require planning permission.

Conditions

15. In addition to the standard time condition, a condition is necessary to confirm the approved plans in the interest of certainty. A condition is also needed to ensure that the specific flooding issues around Combehayes Farm are adequately reflected in a drainage strategy to ensure surface water is suitably managed. Given the nature of the drainage around Combehayes Farm, it is essential that the details are submitted and agreed prior to the commencement of development. In order to fully assimilate the building into its surroundings, a landscape condition is also necessary.

Conclusion

16. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun no later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2057 BP R1, 2057-R1, Site Location Plan.
- 3) No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
- 4) No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.