
Appeal Decision

Site visit made on 27 April 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2022

Appeal Ref: APP/P1133/W/21/3284891

Bulleigh Barton Farm, Road To Bulleigh Barton Farm, Ipplepen TQ12 5UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Nigel Dennis against Teignbridge District Council.
 - The application Ref 20/00901/FUL, is dated 3 June 2020.
 - The development proposed is described as '*Outline - erection of a building comprising 8 business units (Use Classes B1 & B8) and associated works (all matters reserved for future consideration)*'.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved. I assessed the appeal on that basis, treating the submitted plans as illustrative.
3. I have taken the description of development not from the planning application form but from the Council's subsequent validation letter, as the amended description of development was agreed between the main parties.
4. On 1 September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987, including the effective absorption of Class B1 into the new Class E(g). Applications submitted prior to 1 September 2020, which includes this one, must be decided based on the use classes to which they refer. I determined the appeal accordingly.
5. The Council failed to give notice of its decision within the prescribed period. An assessment of the proposal's merits is now included within the Council's appeal statement, culminating with three putative reasons for refusal. I have used this evidence to formulate the main issues of this appeal.

Main Issues

6. Consequently, I consider the main issues to be:
 - the suitability of the site for the proposal, with reference to its accessibility, having regard to local policy for the supply of employment land; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of the site

7. The site consists of part of an arable field, located in between Gropers Lane to the north and Bulleigh Barton Farm to the south, within the open countryside to the southeast of the settlement of Ipplepen. The farm has diversified to offer business units to the extent that it now in large part comprises a business site. The scheme would extend the business site element of the farm northwards.
8. Policy EC3 of the Teignbridge Local Plan 2013-2033 (adopted 2014) (the TLP), amongst other things, supports the extension or expansion of an existing business site provided that the scale of employment is appropriate to the accessibility of the site by public transport, cycling and walking and the standard of highways.
9. The site is located within a remote position distant from any reliable or accessible public transport options. The typically rural and basic standard of the surrounding highway network does not lend it to regular commuting on foot or by bicycle. This leads me to conclude that the scale of the proposal would not be proportionate to the accessibility of the site.
10. The appellant considers that the redevelopment at Bulleigh Barton Farm acts as a precedent for the proposal. However, the planning history indicates that the commercial units were created through the reuse of farm buildings. The desire to find a reuse for existing buildings is materially different in connotation to the introduction of new buildings and new commercial uses on greenfield sites.
11. Accordingly, I conclude on this issue that the site would not be suitable for the proposal, with reference to its accessibility, having regard to local policy for the supply of employment land. The scheme would conflict with the relevant aims of Policies S22, S9 and EC3 of the TLP.

Character and appearance

12. Bulleigh Barton Farm is within the 'Denbury Down' Landscape Character Area which is, in part, noted for its gently rolling hills and its strong sense of tranquillity. The site gently slopes down from the commercial units at the farm to Gropers Lane. The thickness of the boundary vegetation along Gropers Lane filters and limits visibility into the field from the highway to glimpses.
13. Nonetheless, whilst the appellant intends for the building to follow the contours of the field, the scheme, logically incorporating the units, access, parking and associated yard and circulation space, is likely to require a significant regrading of the land to the detriment of the gentle landscape character in my view.
14. The countryside around the site already accommodates a fair share of industry, not just at Bulleigh Barton Farm but at other sites, including a nearby quarry. The impact of this level of industry is perceptible not only in terms of the built environment but also noise and traffic movements, particularly along Gropers Lane. In my opinion, the scheme would harmfully intensify the presence of industry in the area, further eroding its already weakened level of tranquillity.
15. As such, I conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with the landscape and visual aims of Policies S22, EC3 and EN2A of the TLP.

Other Matters

16. The Council's third putative reason for refusal relates to a lack of information with regard to integral measures to minimise carbon emissions related to the development. However, had I been minded to allow the appeal, I consider that this matter could have been addressed by a condition.
17. The site is in a Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC). Green infrastructure which may support bat habitat could be adequately protected from the development, and lighting could be subject to a planning condition. On this basis, I can ascertain at the screening stage that likely significant effects on the integrity of the SAC could be ruled out, had I been in a position to allow the appeal.
18. Whilst I recognise the delays that the appellant experienced prior to lodging the appeal, such issues are not germane to my assessment, which is focused on the planning merits of the proposed development.

Planning Balance

19. The proposal would conflict with the development plan read as a whole. This is the statutory starting point for decision making, and the National Planning Policy Framework (the Framework) states that where an application conflicts with an up-to-date development plan permission should not usually be granted.
20. The appellant has supplied a list of enquiries from businesses interested in the units, which, along with the direct submissions of third parties, indicates that they would be strongly in demand. Paragraph 85 of the Framework states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements, in locations that are not well served by public transport.
21. However, Paragraph 85 equally goes on to say that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. There is little substantive evidence before me to demonstrate that the need for the units could not be met elsewhere in the area, at sites more closely related to settlements and/or with better connections to sustainable transport options.
22. Even so, and particularly within the current economic climate, the economic benefits of the scheme are of moderate weight. The potential for biodiversity net gain through further hedgerow planting also attracts limited weight. These benefits do not overcome the significant weight I attribute to the conflict with the development plan. As such, there are no other considerations, including the Framework, that would justify setting aside the development plan in this case.

Conclusion

23. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR