



Appeal Decision

Site visit made on 18 July 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 03 August 2022

Appeal Ref: APP/J9497/W/22/3291380

Cullens Moor, The Village, North Bovey, Newton Abbot TQ13 8RA

- 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 J Berwick against the decision of Dartmoor National Park Authority.
 - The application Ref 0624/21, dated 6 September 2021, was refused by notice dated 22 December 2021.
 - The development proposed is the erection of three bay open fronted timber clad barn, Cullens Moor, North Bovey.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises agricultural land situated in a remote, tranquil, countryside location, outside of the nearest settlement at North Bovey. The site is accessed from a trackway, with a public footpath running adjacent to the southeast boundary. The site is bounded to the northwest by woodland.
4. The appeal proposal seeks to introduce a new timber boarded three bay open fronted barn with a green sheet metal roof, to be located adjacent to the abovementioned woodland in the north western section of the site.
5. Paragraph 176 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Parks, as well as to the conservation and enhancement of wildlife in such areas.
6. Policy 5.8 of the Dartmoor Local Plan 2018-2036 (the Local Plan) specifically concerns agriculture and rural land based enterprise development and requires that the proposed development's scale is proportionate to a proven functional need which cannot be met by an existing building or one which was recently disposed of. In respect of new buildings and structures, such development would be permitted where it would be clustered with other existing buildings or structures and enclosed with an appropriate boundary feature. The supporting commentary to that policy states that, "Where there is no acceptable location on an applicant's land which complies with the policy criteria the development

will be considered unacceptable, regardless of whether there is a proven need for the building”.

7. As noted above, the appeal building would be located adjoining existing woodland in a corner of the agricultural field and, whilst not highly visible from within the sider surrounding area, would be visible to those users of the public footpath that runs adjacent to south eastern boundary of the field.
8. In terms of criterion a) of Policy 5.8 of the Local Plan, whilst I understand that the maintained need for the new barn cannot be met by an existing building, it does appear that, during the assessment of the planning application, the Appellant has suggested that a two bay barn could be constructed if that would overcome the National Park Authority’s concerns regarding the proposal. As such and given the suggested reduction in the scale of the proposed building, and in the absence of evidence to the contrary, it could be said that the scale of the proposed three bay barn would not be of scale appropriate to a proven functional need.
9. Notwithstanding the above, in terms of its location, based on the evidence before me and on observations made on my visit, the new barn would represent a physically and visually isolated structure unrelated to any other rural building or group of buildings. It is acknowledged that the appeal scheme also proposes a new hedge to screen the appeal building, enclosing the proposed barn with an appropriate boundary feature. Nonetheless, criterion e) of Policy 5.8 of the Local Plan not only stipulates that appropriate boundary features are provided, but also requires that the building be located within a cluster of other structures or buildings. Given the above regarding the location of the proposed building in an isolated location remote from other buildings or structures, the appeal scheme would conflict with Policy 5.8 of the Local Plan when taken as whole.
10. The appeal proposal would represent an isolated form of development and whilst the proposed barn would be modestly scaled and would not be highly visible from within the sider surrounding area of Dartmoor, its presence would be seen from the nearby footpath. The proposal would introduce built form into the undeveloped tranquil landscape and scenic beauty of the National Park. Given its position and further to the proposed partial screening of the building by new hedgerow, whilst the harm the character and appearance of the surrounding area would be limited, the proposal would not conserve or enhance the special landscape qualities of the National Park.
11. For the above reasons, whilst I have found that the harm to the character and appearance of the surrounding area would be limited, the appeal proposal would nonetheless fail to accord with Policies 1.1, 1.2, 1.5, 2.1, 2.6 and 5.8 of the Local Plan which, amongst other things, requires that development conserve and enhance the landscape scenic qualities and tranquillity of the National Park and that new agricultural buildings be located within clusters of other buildings or structures. Furthermore, and for the same reasons, the scheme would conflict with paragraph 176 of the Framework.
12. It is noted that the National Park Authority has referred to Policy 2.3 of the Local Plan within their decision notice. That policy requires that development contributes towards biodiversity net gain. However, the requirements of that policy could adequately be controlled by planning condition, and it is noted that the proposal could include an additional hedgerow to partially screen the

- proposed structure and which could provide for such a biodiversity gain. I therefore find no conflict with Policy 2.3 of the Local Plan.
13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
 14. The Appellant has put it to me that the proposed barn is required in order to store machinery, as well as for storage of hay. It is maintained that the storage of hay within the proposed barn would allow the Appellant to move away from plastic wrapped bales, thereby improving the visual appearance of the site as well as providing environmental benefits in terms of disposal of plastic wrapping. As noted above, the proposal could also provide a biodiversity net gain and it has been put to me that the proposal would allow for a reduction in trips taken to and from the site by vehicles.
 15. The storage of wrapped plastic hay bales, positioned randomly or clustered together within the agricultural field, would have an adverse impact on the landscape of the National Park. However, the storage of such items would be temporary in nature, whereas the proposed building would be a permanent feature in that landscape. Furthermore, there is no substantive evidence before me which confirms that such plastic could not be appropriately recycled for another use, and whilst I note that reduction in use of wrapped plastic would reduce costs, that is a personal benefit which is neutral in the planning balance. Nonetheless, I accept that the proposal could provide some biodiversity enhancement and could help reduce the number of vehicle trips to and from the site. In that regard, whilst being materially positive, I attach only limited weight to those benefits by reason of the scale of the proposal.
 16. I acknowledge that considerable thought has been given by the Appellant to the location of the proposed barn, and whilst I have sympathy with the Appellant's circumstances, their desire to reduce the number of trips of vehicles to and from the site and improve financial sustainability by reducing the need to wrap hay bales and recycle the plastic afterwards, the scheme would not accord with the policies of the development plan.
 17. The harm to the landscape and scenic beauty would be limited, affecting only its immediate, rather than wider, surroundings. However, the limited weight to be attached to the potential benefits of the proposal would not outweigh that harm. In that context, it would be at odds with the plan-led system to decide that a departure from the development plan was warranted by the scale and nature of the benefits the proposal would bring forward.

Other Matters

18. I acknowledge that the appeal scheme has support from a number of local residents and interested parties. However, whilst I have carefully considered all the submissions, those matters would not overcome the identified conflict with the policies of the development plan.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet INSPECTOR