



Appeal Decision

Site visit made on 16 August 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/K1128/W/22/3294075

Langworthys Barn, A381 Oldaway Tongue to Langworthys Barn, West Alvington TQ7 3GZ

- 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 & Mrs M Hill against the decision of South Hams District Council.
 - The application Ref 1204/21/FUL, dated 30 March 2021, was refused by notice dated 16 September 2021.
 - The development proposed is resubmission of planning application 3399/20/FUL for proposed storage/machinery shed for existing business use.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs M Hill against the South Hams District Council. This is the subject of a separate Decision.

Preliminary Matters

3. The Council amended the description of development to 'Proposed agricultural, tractor and machinery shed and extension to the existing agricultural tractor and machinery shed (Resubmission of 3399/20/FUL)'. However, the description of the proposal on the application stated, 'resubmission of planning application 3399/20/FUL for proposed storage/machinery shed for existing business use'. I have therefore considered the appeal on the basis of the description provided on the application form.

Main Issue

4. The main issue is whether the appeal site provides a suitable location for the proposed development, having regard to the Council's spatial strategy, with particular regard to development in the countryside.

Reasons

5. The appeal site is occupied by a modern tractor and machinery shed and is located to the southern side of a small grouping of buildings and yard utilised as a builder's store by the appellants. The site is on a hillside position within a rural landscape and within the South Devon Area of Outstanding Natural Beauty (AONB).

6. The proposed development comprises an extension to the existing tractor and machinery shed, and the erection of a new adjoining storage/machinery shed to the northeast. Both the extension and new building would have a utilitarian cohesive appearance, with the existing ground level partially excavated resulting in the proposals ridge height following that of the existing buildings. Whilst existing planting to the southwest would be removed to facilitate the proposal, new raised tree planters are proposed to provide screening.
7. The appellants confirmed to the Council in correspondence and again within the appeal statement that the building would be used for '*business use, not agricultural use*' which accords with the description of proposal on the application form. At my site visit, I noted the existing tractor and machinery shed being utilised for the storage of agricultural equipment such as tractors and trailers, with other machinery such as a generator and swing shovel digger being stored on the adjacent land. The Council state that the appeal site is agricultural land outside of any area authorised for commercial use. Whilst I acknowledge that the land and buildings adjacent the appeal site may well benefit from planning permission for a builder's store, I have not been supplied with any evidence to indicate that the appeal site benefits from any such planning permission.
8. The Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) seeks to protect the special characteristics and role of the countryside. To help achieve a sustainable pattern of development, the LP aims to focus employment in the largest settlements, with only a limited amount of new development being permitted in the countryside. Policy TTV26 seeks to avoid isolated development in the countryside, unless in certain exceptional circumstances and requires proposals where appropriate, to, amongst other things, be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses. The LP also aims to support the rural economy through Policy DEV15. This policy says that 'support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy' and broadly accords with the aims of the National Planning Policy Framework (Framework).
9. The proposal relates to an adjoining existing business use within the countryside and I agree with the Council's assessment that the proposal cannot be considered 'isolated'. Furthermore, whilst within the Council's report conflict is cited with TTV26(2iii), I find that the proposal would have minimal harmful impact on the surrounding agricultural uses given the close relationship of the site with the adjoining builders yard. In terms of TTV26(2iv), given the proposal seeks to support and extend an existing adjacent business use in the countryside, this cannot be located elsewhere. However, no evidence has been put before me to show there is a proven need for the proposal.
10. What is meant by 'suitable location' is not explicitly defined in Policy DEV15, although paragraphs 1-8 of the policy establish some criteria. Of particular relevance is paragraph 1 which says appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment. In this case, whilst it may well be that the expansion of the builder's yard is required, I have no evidence before me that demonstrates that the proposed building is of a size proportionate to the requirements of the business. Without such an

assessment, I find that the proposal conflicts with Policies TTV26 and DEV15 of the LP which seeks to ensure that economic development in rural areas is appropriate and proportionate with no adverse impacts on neighbouring uses or the environment, as well as the provisions of the Framework which seeks to enable appropriate sustainable rural development to meet business needs.

Other Matters

11. I note the Council has not raised any concerns in terms of wider impacts, including those on the special qualities of the AONB as well as on the highway network, and given the evidence before me, I see no reason to disagree.
12. I also note the appellant's comments about the Council's general handling of the application. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.

Conclusion

13. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR