



Appeal Decision

Site visit made on 6 September 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal Ref: APP/U1105/W/22/3296021

Chadacres, Road from Wych Court Past Sewage Works, Hawkchurch EX13 5XB

- 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 Charlie Howard against the decision of East Devon District Council.
 - The application Ref 21/2901/FUL, dated 18 October 2021, was refused by notice dated 1 March 2022.
 - The proposed development is described as the extension of existing implement shed.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of the existing implement shed and associated yard at Chadacres, Road from Wych Court Past Sewage Works, Hawkchurch, EX13 5XB in accordance with the terms of the application, Ref 21/2901/FUL, dated 18 October 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. I note from the appeal documentation and my site visit that an extension to the existing implement shed has been partially constructed. As I cannot be certain that what has already been constructed reflects the appeal scheme, I have based my assessment of the development as proposed on the submitted plans.
3. Whilst not included in the description on the application form the submitted plans show the rearrangement of the yard associated with the implement shed. It is clear from the Council's report that the yard was assessed as part of the application scheme. I have assessed the appeal scheme on the same basis and, as a result, have amended the description within the decision paragraph above.
4. The site is located within the catchment of the River Axe Special Area of Conservation (the SAC). Although not an issue raised by the Council, it is incumbent upon me as the competent authority to consider whether the proposed development would be likely to have a significant effect on the integrity of the SAC. Comments were sought from the main parties and, where made, I have taken them into account in my reasoning. Therefore, neither party would be prejudiced by this matter being dealt with as a main issue.

Main Issues

5. The main issues of this appeal are;

- the effect of the proposed development on the character and appearance of the area;
- whether the proposed development would be likely to have a significant effect on the integrity of the SAC; and
- whether the location of the development is appropriate having regard to local planning policies.

Reasons

Character and appearance

6. The proposed development comprises a modest extension to the existing implement shed and associated yard. Due to the topography and landscape features immediately surrounding the site coupled with its design and use of materials, the existing shed is a harmonious feature in the rural setting. The extension and any larger equipment stored in the yard would be visible from a small section of the public footpath that crosses the adjoining paddock. However, with its lower height and reduced bulk from the implement shed, the extension would be a subservient addition to the existing building. Whilst the new planting would take time to establish and screen the extension and larger equipment stored in the yard, neither element would be visually intrusive above the existing boundary features in the meantime.
7. I note the comments relating to the trees and other landscape features being removed during the works on the site. However, my assessment is based on my observations of the site at the time of my site visit and the evidence before me. Additionally, I see no reason why additional planting could not be accommodated on the appeal site and I have imposed a condition which requires the proposed landscaping to be approved by the Council.
8. I conclude that the proposed development would not harm the character and appearance of the area. As such, it would accord with Strategy 7 and Policy D7 of the East Devon Local Plan 2013-2031 (2016) (the Local Plan). These policies seek to, amongst other things, conserve the character of the countryside by managing the location and design of new agricultural buildings.
9. It would also comply with the guidance and principles set out within Chapter 12 of the National Planning Policy Framework (the Framework) which aims to ensure developments are sympathetic to the local character and their landscape setting.

River Axe SAC

10. The special interest of the River Axe SAC results from the mixed geology of its catchment, including sandstone and limestone, which creates calcareous conditions that support communities of *Ranunculus* and *Callitriche*. The overarching conservation objective for the SAC is to "avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species" including significant disturbance to ensure the site is maintained and continues to achieve conservation status.

11. One of the main issues preventing the SAC meeting this objective relates to agricultural runoff. As the proposed development may increase runoff from agricultural use, when considered alone or in combination with other plans or projects, it would have the potential to result in likely significant effects on the SAC. Therefore, it is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SAC.
12. The existing implement shed was granted planning permission subject to a condition limiting its use to agricultural storage only. In addition to this restriction, following consultation with Natural England, excluding the storage of livestock from this condition would prevent agricultural runoff from the proposed development.
13. I therefore find that, subject to the proposed mitigation, the development would not result in an adverse effect on the integrity of the SAC, in accordance with the Habitat Regulations. It would also accord with Strategy 47 of the Local Plan which states that development that could cause an adverse effect on internationally designated sites will not be permitted unless prevention, mitigation or compensation measures are provided.

Location of the development

14. As the appeal site is located outside any Built-up Area Boundary (BUAB) it constitutes countryside, as defined by Strategy 7 of the Local Plan. To conserve or enhance the countryside, the Strategy states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development.
15. Policy D7 of the Local Plan permits new agricultural buildings where a genuine agricultural need has been established. Based on the information before me, the extension to the implement shed is required to provide additional storage space for hay feed and associated machinery for onsite hay production. A comprehensive list of equipment has been provided and I acknowledge the need to provide a separate space for hay storage to prevent machinery sparks creating a fire risk.
16. Whilst representative of a snapshot in time, during my site visit I observed a variety of agricultural vehicles and equipment stored in the existing implement shed, with limited spare capacity. Some equipment was also stored outside the shed. Whilst some of the additional equipment could also be stored outside, this would reduce the flexibility of the shed and the extension for storage and repairs when certain items need to be undercover, such as hay bales and dismantled equipment undergoing repairs or maintenance.
17. Despite the small size of the landholding and in the absence of compelling evidence to determine otherwise, I conclude there is a genuine agricultural need for the proposed development.
18. Policy D7 also requires development to meet a further five criteria. Of these, the only point in dispute relates to the requirement to cause no harm to the character and biodiversity of the area. As I have already concluded above that the development would not cause harm to either the character and appearance or biodiversity of the area, this criterion is met.

19. I conclude that the location of the proposed development would be appropriate having regard to local planning policies. It would accord with the plan led strategy for the protection of the countryside set out in Strategy 7 and Policy D7 of the Local Plan.

Other Matters

20. I note the comments relating to site visits undertaken by the Council, including the use of the existing shed and adjacent yard area for repairing several VW vans. During my site visit I observed that these vehicles were stored elsewhere on the landholding and I have no reason to doubt that this was not a permanent location.
21. I also acknowledge the Council's comments about the design of the extension in respect of easy access and ventilation. However, I have no compelling evidence before me to indicate the extension could not be used for the storage of agricultural equipment and hay feed.
22. Given the need of the proposed development and scale of the scheme, I see no reason why it would lead to an increase in the traffic and noise generated.
23. Uses and developments outside the appeal scheme are a matter for the Council and have not altered my findings on the main issues.

Conditions

24. As I have undertaken my assessment on the basis of the development as proposed, I have imposed the standard time limit condition. In the interests of certainty, a plans condition is imposed as well as a condition relating to materials to protect the character and appearance of the area.
25. I have imposed a condition restricting the use of the extension to the implement shed and yard for agricultural purposes, as per the existing building. This condition also excludes the storage of livestock to prevent any adverse effect on the integrity of the SAC.
26. Finally, a landscaping condition is imposed, to preserve the character and appearance of the area, requiring details of specific new planting areas are submitted, approved and implemented.

Conclusion

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

Juliet Rogers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (amended)
 - 1277.1B Planning Drawing
 - 1277.2 Site Plan – Sections.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing implement shed.
- 4) The extension and associated yard hereby permitted shall be used for agricultural storage (excluding the housing of livestock) purposes only as defined in the Town and Country Planning Act 1990 (as amended) and for no other purposes whatsoever.
- 5) Before the development is brought into use, the following landscaping details have been submitted to and approved by the Local Planning Authority:
 - i) Details of new tree planting to the east side of the extension of the opposite side of the stream (details to include number, size and species).
 - ii) Details of new native hedge planting to the southeastern end of the yard area (details to include planting layout, number, size and species).

Development shall proceed in accordance with details as agreed and shall be carried out in the first planting season following approval of details unless any alternative phasing of the landscaping is previously agreed in writing by the local planning authority. The landscaping shall be maintained for a period of 5 years with any trees or other plants which due during this period to be replaced during the new planting season with specimens of the same size and species unless otherwise agreed in writing with the local planning authority.