



Appeal Decision

Site visit made on 6 January 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/J9497/W/22/3303986

Land at SX 63787 94457, Sticklepath, Okehampton, Devon

- 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 Kevin Bending against the decision of Dartmoor National Park Authority.
 - The application Ref 0079/22, dated 14 October 2021, was refused by notice dated 19 April 2022.
 - The development proposed is construction of agricultural building and associated works for use as fodder and implement store.
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Decision

1. The appeal is allowed and planning permission is granted for construction of agricultural building and associated works for use as fodder and implement store at Land at SX 63787 94457, Sticklepath, Okehampton, Devon under the terms of the application Ref 0079/22, dated 14 October 2021, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether or not there is a proven functional need for the proposal; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Proven functional need

3. The site comprises the upper reaches of a sloping field in the Dartmoor National Park to the north of the settlement of Sticklepath, accessed from the adjacent public highway to the west. Immediately to the north is an industrial site which occupies a former highway depot.
4. Policy 5.8 a) of the Dartmoor Local Plan 2018-2036 (adopted 2021) (DLP) states that agricultural development will be permitted where its scale is proportionate to a proven functional need which cannot be met by an existing building or one which was recently disposed of.
5. The holding is very small comprising a single field. Nonetheless, at my visit it contained a flock of ten sheep, two goats, and various birds, plus two trailers, two tractors, a roller and a plethora of implements used to tend the land. It is realistic that these items need to be kept secure. Limited fodder is also stored within the larger trailer. This is not a satisfactory arrangement because it has led to hay being stored outside and then destroyed by the weather.

6. When these circumstances are combined with the prospect of lambing, I am satisfied that there is a clear necessity within the holding for a building of the scale proposed. There are no alternative buildings on site nor is there evidence of such a building being recently disposed of.
7. For these reasons, I conclude that there is a proven functional need for the proposal. It would therefore accord with the relevant requirements of Policy 5.8 of the DLP and the National Planning Policy Framework (the Framework).

Character and appearance

8. Amongst other things, Policy 5.8 requires proposals to conserve or enhance Dartmoor's special qualities, particularly its landscape character, and to relate well to the topography so as not to require significant earthworks. Paragraph 176 of the Framework also informs us that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. I further have a duty to have regard to the purposes for which National Parks are designated.
9. The small holding falls within 'Landscape Character Type 5A: Inland Undulating Elevated Land'. It contributes positively to the valued attributes of this area because it occupies a medium sized field of pasture of likely medieval origin which is part of a patchwork of similar fields. However, the legibility of the pasture and its boundaries would be unaltered by siting a small barn within it.
10. Visually the site is lower than the adjacent public highway, so it is likely that only the barn's pitched roof would be visible breaking above the site's boundary vegetation. The barn would have a typical utilitarian design and construction. Its small scale would ensure it would avoid a large monolithic appearance, as guided against by the Authority's Design Guide. Likewise, the top of the field is relatively flat, and the drawings suggest that earthworks would be fairly minimal. If the barn were to be viewed across the wider landscape, its presence would pale in comparison to the adjacent industrial site.
11. Accordingly, I conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the landscape aims of Policies 1.1, 1.2, 2.1 and 5.8 of the DLP, the English National Parks and the Broads UK Government Vision and Circular 2010 and the Framework.

Conditions and Conclusion

12. A condition is necessary to confirm the approved plans in the interest of certainty. A condition is not needed to clarify the detailed finish materials, as they are given on the proposed drawings. A condition is required however to secure the necessary biodiversity net gain. To maintain the protection of Dartmoor's night skies, a condition is required to control external lighting at the site. Given the Authority's approach to agricultural development in the countryside, with the principle of its visual acceptability also predicated on the principle of its necessity, I accept that a condition is required to ensure that the barn is used for that purpose and removed if no longer needed for that purpose.
13. 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 before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A-2059-01, A-2059-02 and A-2059-03.
- 3) Prior to the development hereby approved being brought into use, the biodiversity enhancement measures described in the Planning Statement shall be completed, such that they comply with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain). Thereafter, the approved biodiversity enhancement measures shall be maintained in perpetuity.
- 4) No external lighting shall be installed at any time on the building hereby approved.
- 5) The building hereby permitted shall only be used for agricultural purposes. Upon it becoming redundant for such purposes, the building shall be removed, and the land reinstated to its former condition within a period of six months.