



Appeal Decision

Site visit made on 17 January 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/K1128/W/22/3298982

Land at SX 815 623 Newton Road, Littlehempston, Totnes, TQ9 6LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Reid against the decision of South Hams District Council.
 - The application Ref 4740/21/PAA, dated 17 December 2021, was refused by notice dated 4 February 2022.
 - The development proposed is agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection, extension or alteration of a building which is reasonably necessary for the purposes of agriculture within that unit. The Council is of the view that there has not been sufficient evidence provided to show that the proposal is for an essential agricultural need. As such, the question of whether the proposal is permitted development needs to be dealt with before the question of the prior approval matters is addressed.
3. There are several references before me to the National Planning Policy Framework (The Framework) and the development plan. I am not required to have regard to either in my determination of a proposal made under the provisions of Schedule 2, Part 6, Class A of the GPDO. A prior approval should not be determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of permission by the GPDO. I shall therefore determine the appeal on the basis of the requirements of the GPDO, having regard to the Framework and development plan policies only as evidence to support the planning judgement to be made.

Main Issues

4. On this basis, the main issues are:

- a) whether the proposed development would be granted planning permission by Schedule 2, Part 6, Class A of the GPDO, and
- b) if so, whether the proposed development would satisfy the prior approval matters including the effect of the siting, design and external appearance of the building upon the character and appearance of the area.

Reasons

Reasonably necessary for the purposes of agriculture

5. There is no dispute that the proposed building is not of a design that would suit an agricultural purpose. Its simple form and scale would provide shelter from the elements and would be served by large openings that would allow access for modern agricultural machinery. The appellant has set out a clear and straightforward need for the building for the storage of hay and machinery. As to the building's scale, the submissions set out that the holding would produce approximately 200 round bales, which when stored would occupy half of the building, allowing the other half to be used for machinery storage.
6. The test set out in the GPDO is that of reasonable necessity and not for a building that is absolutely required. The requirement for the building set out by the appellant appears reasonable based on the way that the land is used, and they are clearly agricultural uses. I note that there are no other buildings on the holding.
7. The appellant owns other land however he submits that he has no other buildings in his ownership that would satisfy the need identified. Stone barns that he purchased are referred to in the submissions before me. Details of these buildings are limited; however, it is likely that they would have been of limited use for modern agricultural practice, and in any case, they are not located within the holding and have since been sold off so can no longer be used by the appellant.
8. For these reasons I am satisfied that the building is reasonably necessary for the purposes of agriculture.

Character and appearance

9. The appeal site is located in a rural area characterised by an agricultural landscape of rolling hills, divided up by traditional hedgerows and Devon banks and interspersed with pockets of woodland. The area is within area 3B of the Landscape Character Assessment of the South Hams. This document is not before me; however, extracts are provided that refer to a pattern of small-medium irregular fields, and a rolling patchwork of agricultural land, which are characteristics that can be readily attributed to the area of the appeal site.
10. The site is easily viewed from a long stretch of the adjacent road, where those passing by can look out over the site and to the land beyond, which slopes away to the southwest. There are also opportunities to look across the site from the adjacent right of way to either side of the main road. This is to the northeast of the site. Gate openings give clear and pleasant views across the

- undeveloped field and out over the surrounding rolling countryside. The site can also be seen in its undeveloped setting from other areas to the southwest.
11. The proposed building would be highly prominent within these views. It would appear isolated, particularly when viewed from the north and northeast. It would significantly degrade the quality and character of the rolling patchwork of agricultural land that forms the setting of the appeal site, and would thus be contrary to the aims of Policy DEV23 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and paragraph 174 of the Framework.
 12. It is suggested that the building would be seen as part of a cluster of built form that exists already to the northeast of the site. However, it would stand well clear of these buildings with a substantial area of undeveloped field in between. Furthermore, the agricultural buildings to the northeast of the site are screened behind substantial vegetation and are not particularly prominent in views from the southwest.
 13. In contrast the low boundary hedge alongside the road would do almost nothing to mitigate the harmful visual impact of the building as it would rise well above this existing landscape feature. The proposal includes the formation of a new Devon bank and hedge to enclose the area around the building. This has been drawn square on plan and would thus appear rigid and at odds with the irregular alignment of field boundaries in the area. Therefore, the proposed boundary and the existing roadside boundary would do very little to mitigate against the visual impacts of such a large and bulky building.
 14. The level of the site falls significantly to the southwest. This is represented in a rather simplistic manner on the submitted elevations, and there is no indication of the extent of levelled land that would need to be provided around the building so that it can be used and accessed by machinery. It is also unclear what height the proposed hedgerows would be in relation to the building's elevations. Furthermore, the plans show that the main door to the building would be on its northeast side, which would face towards and be close to the proposed hedgerow and would likely make it difficult to manoeuvre large machinery into the building without changing the layout. As a result, I consider it likely that the visual impacts of the proposal could be more severe than those suggested by the proposed plans.
 15. The appellant submits that the location was chosen to make the most of the topography. However, given that the site is so prominent it is not clear what factors were taken into account or whether any other sites were considered that might have had a lesser visual impact.
 16. The appellant suggests that such buildings are frequently isolated by necessity as they serve the land on which they lie. However, at my visit to the area I saw that most other buildings were grouped together in small clusters and were often associated with mature landscape features. Isolated individual buildings do not appear to be a characteristic of the area, and there is nothing before me to suggest that the building needs to be located in the position proposed to serve the land effectively.
 17. It is suggested that the design of the building reflects the local vernacular. The building would certainly have a functional appearance and in this respect could be considered to be a vernacular building in the most general of terms. However, there is nothing before me to suggest that it has been designed in a

manner that reflects the appearance of similar buildings in the local area that would set it apart from an agricultural building that could be found in any location.

18. In summary, I find that the siting, design and external appearance of the building would have a significant harmful effect on the character and appearance of the area.

Conclusion

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

A Tucker

INSPECTOR