



Appeal Decision

Site visit made on 3 January 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2023

Appeal Ref: APP/Q1153/W/22/3296092

**Cotstow, Road from Methodist Church to Liftondown, Liftondown
PL16 0DA.**

- 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 Mark Warden against the decision of West Devon Borough Council.
 - The application Ref 3497/21/FUL, dated 13 September 2021, was refused by notice dated 2 March 2022.
 - The development proposed is erection of timber framed stable block.
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Decision

1. The appeal is allowed and planning permission is granted for erection of timber framed stable block at Cotstow, Road from Methodist Church to Liftondown PL16 0DA in accordance with the terms of the application, Ref 3497/21/FUL, dated 13 September 2021, subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan of proposed stabling at Liftondown;
 - Site plan for proposed stabling at Liftondown;
 - Block plan of proposed stabling at Liftondown;
 - Block plan of proposed stabling at Liftondown – Finished Floor Levels;
 - Block plan of proposed stabling at Liftondown – Site Levels;
 - Site plan for proposed stabling at Liftondown, (Showing soakaways)¹;
 - Elevation drawings and floor plan of proposed stable block.
 - 3) The stables hereby permitted shall not be used for business or commercial uses.
 - 4) There shall be no floodlighting or other external lighting on the building or within the site.

¹ Referred to as 'Soakaway Site Plan' within the Council Decision Notice.

Applications for costs

2. An application for costs was made by Mr Mark Warden against West Devon Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on best and most versatile agricultural land.

Reasons

Character and appearance

4. The appeal site comprises the northwest corner of an agricultural field to the west of Liftondown. The character of the wider area is one of an open rolling agricultural landscape with occasional utilitarian buildings associated with the land use, and well-established roadside hedge boundaries. Although the site is within reasonably close proximity to Liftondown, the appeal site is read as part of the countryside landscape as opposed to that associated with the settlement. The proposed development would be sited in close proximity to an existing access onto the highway, and also a well-established roadside boundary hedge.
5. Given that the wider agricultural field gently slopes from north to south, the site of the proposed development, is located at the higher point of the field. However, the proximity of the roadside boundary hedge would largely screen the proposed development from close-range public views from the north, with similar well-established boundary hedges to the south preventing any clear viewpoint into the site from the A388 and A30 highways, or further public viewpoints beyond.
6. Although glimpse views will be available through the existing field access, and long-distance views from countryside to the south, the proposed development would be seen against the backdrop of the hedge boundary and other large agricultural buildings in the area, with the modest scale, utilitarian stable appearance and the proposed materials of the building resulting in minimal visual impact. I have taken into account the comments of the Council's Landscape Officer, as well as the potential for additional planting to provide screening. However, given the existing boundary planting, scale and appearance of the proposed development, additional planting is not necessary to aid screening. Consequently, I find there would be no harm to landscape character.
7. Policy TTV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 adopted March 2019 (LP) supports horse related developments in the countryside subject to certain criteria including that existing buildings are reused, but where new buildings are necessary, these are well-related to existing buildings. As there are no existing buildings on the site, the proposed new building is necessary. Given the lack of existing buildings on the site, and

the location of the proposed development to the northwest corner of the field away from Liftondown, it is not close to existing built form in Liftondown.

8. However, there are other examples of individual rural buildings in the locality close to the appeal site, particularly to the north. The appeal site is well situated in relation to its position near the existing access and the siting within the field, adjacent the boundary hedge limits the visual impact, with long distance views being seen in conjunction with the large agricultural building to the north.
9. Consequently, I find that the proposed development would be appropriate within its landscape context, and would not negatively impact on the character and appearance of the area. It would accord therefore with LP Policies DEV20, DEV23 and TTV28 which in combination seek, amongst other things, to ensure development is of good design which conserves and enhances landscape character and improves the quality of the built environment. The proposed development would also accord with the relevant provisions of the National Planning Policy Framework (Framework) with regard to conserving and enhancing the natural environment.
10. Paragraphs 119 and 132 of the Framework relate to decisions promoting an effective use of land in meeting the need for homes and other uses, as well as promoting early discussion between parties in order to evolve designs that take into account the views of the community. In this respect, these paragraphs are not directly relevant to the proposed development.

Agricultural land

11. LP Policy TTV26 relates to development in the countryside. Although the Council's reasons for refusal states that the proposed development would be isolated from any other form of development, I find, as stated within the Council's Officer Report and Council's Appeal Statement, that the proposed development is not so disconnected from existing built form that it would be considered isolated, and so the first part of LP Policy TTV26 which seeks to avoid such development does not apply.
12. Criterion (v) under the second part of LP Policy TTV26 requires that proposals avoid the use of Best and Most Versatile Agricultural Land (BMV) although states the criterion should only be applied where appropriate. The Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020 (SPD) states that BMV typically refers to classes 1, 2 and 3a, and continues that proposals on land that is classified as 3b may be resisted if 3b is considered to represent the best quality agricultural land within the surrounding landscape character area.
13. Although there seems to be some uncertainty between the main parties as to whether the land within the appeal site is classified as 3a or 3b, on the evidence before me it appears that the land is 3b. However, even if the land were to be 3a or if 3b represents the best quality agricultural land in this location, given the modest scale and nature of the proposed development which does not impact on the grazing ability of the adjacent wider field, future use of the wider field for agricultural purposes as is the stated intention of the appellant, would not be prevented by the proposed development.

14. Therefore, whilst the proposed development would potentially result in the loss of a modest amount of BMV, this would not have an unacceptable adverse effect. The Council has not raised any concerns regarding conflict of any other part of LP Policy TTV26(2), and the evidence before me does not lead me to a differing conclusion. As such, the proposed development accords with LP Policy TTV26 which seeks, amongst other things, to protect the special characteristics and role of the countryside.

Other Matters

15. Notwithstanding the support or lack of within the local community, I have assessed the proposed development on its own planning merits. Even if it is the case that business or commercial use of the appeal site would result in additional traffic, the proposed development does not seek permission for a business or commercial use, and a suitable planning condition can be imposed to this effect.
16. I note comments in relation to the lack of any pre-application discussions, and the potential for an alternative location for the proposed development. Such pre-application submissions are not obligatory, and the appellant is perfectly entitled to submit a planning application without such discussions. I have assessed the proposal on the basis of the location as submitted and for the reasons stated have found it to be acceptable.

Conditions

17. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed and, where necessary, made minor amendments to wording with regard to the advice provided in the Planning Practice Guidance (PPG).
18. I have imposed a condition specifying the approved plans to provide certainty. I have also imposed a condition to ensure the appeal site and stable building is not utilised for business or commercial use. This is necessary in order to limit the character and volume of traffic utilising the existing field access in the interests of highway safety. Given the location of the appeal site within the rural landscape away from the built form of Liftondown and other sources of external lighting, a condition is necessary to ensure that external lighting is restricted to prevent any harmful impact on the character and appearance of the area due to light pollution during hours of darkness.

Conclusion

19. For the reasons given above, I find that the proposed development is in accordance with the development plan, considered as a whole. There are no considerations of sufficient materiality to indicate that the decision should be made other than in accordance therewith. Therefore, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR