



Appeal Decision

Site visit made on 3 May 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/J9497/W/22/3310124

Tors Park, Road from Tor Down Cross to Lower Hobey, Belstone, Devon, EX20 1QY

- 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 Miss Amy Souster against the decision of Dartmoor National Park Authority.
 - The application Ref 0288/22, dated 17 July 2022, was refused by notice dated 8 September 2022.
 - The development proposed is "the field shelter proposed will be 9.1m wide, 3.6m deep with a roof height of 3.12m at the apex and 2.3m at the eaves. This size will incorporate storage for a feed area included within the total calculated size of the shelter as outlined above. It will have guttering running along the eaves which will be collected into a water butt and used for water for the equines, this will avoid any issues of run off or water damage to the surrounding ground. The shelter will be on timber skids so be mobile and not alter the ground and be made of pressure treated timber walls and a black bitumen corrugated roof. The shelter will be clad with treated tongue and groove soft wood. The wood will be kept in its natural colouring to prevent any changes to the landscape. The shelter will be positioned under the hedge line alongside the thick hedge and road boundary and will not be visible from any public place or any local property.
The shelter size and need has been calculated as per section 9 (2) (a) of the Animal Welfare Act (2006) according to the Defra equine welfare requirements included in the additional information section submitted with this planning application.
There is no change of use as this area is already grazed by equines, the only change is the additional need for a field shelter as per the Animal Welfare Act (2006)."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including whether it conserves and enhances the scenic beauty and character of the landscape within Dartmoor National Park.

Reasons

Character and appearance

3. The site lies within a field in Dartmoor National Park (DNP) to the north west of Belstone. It forms part of a distinctive landscape characterised by undulating open fields broken up by a mixture of mature hedgerows and trees along field boundaries, with some isolated farmsteads and dwellings. The area has a

tranquil and largely unspoilt rural appearance. The openness of the area and the verdant undeveloped appearance of the appeal site are positive features of the local landscape, its overall character, and contribute to its marked natural beauty.

4. Paragraph 176 of the National Planning Policy Framework (the Framework) requires 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.
5. Whilst noting the appellant's submission that the proposal would be a mobile shelter with no base that would be capable of being moved, the appeal scheme seeks permanent, rather than temporary, planning permission for the proposed stable building. Accordingly, I have considered the proposal on this basis.
6. Proposals for equestrian development are required to be considered in the context of Policy 5.10 of the Dartmoor Local Plan 2018-2036 (the DLP), which requires amongst other things that new buildings and structures are not isolated but are clustered with existing building groups and enclosed with an appropriate boundary. In addition, this policy, together with Policies 1.1, 1.2 and 2.1 of the DLP require development to conserve and/or enhance the National Park's landscape character, wildlife and cultural heritage.
7. Within this context, the appeal site occupies a position to the south east of Tors Park. Whilst the proposed building would be close to the road boundary hedge, it would not be well related to any existing buildings. Thus, it would be in an isolated location rather than clustered with an existing building group.
8. Furthermore, although I acknowledge the appellant considers the proposed building would not be visible from the road, during my site visit I noticed that the road boundary is a flailed hedge. The plans submitted indicate that the proposed building would be taller than the hedge. Therefore, from the level of information provided, I cannot be certain the development would not be noticeable from the road, particularly with seasonal leaf fall.
9. In any case, given the openness of the site, the development would be a perceptible feature in the landscape, and it would sharply contrast with and erode the undeveloped verdant and open character of the site and the surroundings, despite the proposed design and materials being typical of many modern stable developments and its position away from the skyline. This would be a harmful incursion into the pastoral character of the field and there would be lasting harm to the scenic beauty and character of the landscape.
10. Consequently, on the evidence before me, I find that the proposed development would cause harm to the character and appearance of the area, including the scenic beauty and character of the landscape within DNP. As such, it would be contrary to Policies 1.1, 1.2, 2.1 and 5.10 of the DLP. It would also conflict with the provisions in the Framework in relation to protecting and enhancing valued landscapes and it would fail to conserve and enhance the natural beauty of the area which forms one of the statutory purposes of the National Park. The proposal would also conflict with the advice in English National Parks and the Broads UK Government Vision and Circular 2010 in relation to conserving and enhancing the natural beauty of National Parks.

Other Matters

11. My attention has been drawn to two isolated buildings near to the site. However, in the absence of further details, it is difficult to undertake any meaningful comparison between those schemes and the appeal scheme. In any case, the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits. Therefore, these cases are matters to which I attach limited weight.
12. I note the appellant says that the field is part of a well-established equestrian facility, that they have access to other facilities at the holding and that the horses use other fields. Despite this, no substantive information has been provided to show that, to date, the absence of a building at the appeal site has had any adverse effect on animal welfare or that the absence of a building would mean the land would fall into disrepair. Accordingly, the potential welfare benefits of the proposed building at the appeal site and the likelihood that the land would fall into disrepair carry limited weight and do not alter my findings above. Furthermore, no substantive evidence has been provided to demonstrate that the proposed building at the appeal site is the only option for improving the health and wellbeing of the horses, or that there are obstacles to the continued use of land for grazing horses.
13. The appellant refers to an alternative siting being much more visible, however, I do not have any evidence of an alternative scheme to undertake any meaningful comparison. In any event, the appeal needs to be determined on the basis of the evidence, and the relevant development plan policies. These considerations do not outweigh the harm I have identified, and I attach limited weight to this matter.
14. I do not have any evidence to support that the proposal would lead to highway safety improvements or would significantly reduce movements along the road to deliver hay or feed to the site, especially given that the horses use other fields. Notwithstanding that, I accept that the proposal would provide some benefits to the appellant in terms of the stabling of horses on the land, and I acknowledge that the appellant's horses are barefoot and graze on a rotational system. However, there would be no control on who uses the stables and these matters do not deflect from the concerns outlined above.
15. I acknowledge the arguments that the appellant is part of and contributes to the social wellbeing of the local community, and that horses are part of Dartmoor. I also acknowledge the appellant's attempts to engage with the Authority to agree a suitable scheme of development. However, these matters do not negate the requirement for the impact of any new development on the local landscape and rural character of the area to be assessed, or the requirement for development to conserve and enhance the character of the National Park's landscape.
16. In consideration of other planning matters, including highway safety, waste management, water quality, dark-night skies and biodiversity matters. The absence of harm in those matters which could be addressed by conditions, are a neutral factor. I have also noted the appellant's view that the proposal would provide some environmental benefit. However, the benefits would be limited by the scale of the proposal and would not outweigh the totality of the identified

harm. The appellant advises that there has been no local opposition to the proposal. Be that as it may, this does not outweigh the harm I have identified.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR