



Appeal Decision

Site visit made on 28 March 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/X1118/W/22/3307531

Overdale, Buzzacott Lane, Combe Martin, Devon EX34 0NL

- 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 Lyndon White against the decision of North Devon District Council.
 - The application Ref 75072, dated 28 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is described as "This is a proposed additional agricultural storage shed to that currently in situ to store tractors and agricultural machinery and fodder. This building comes in a kit format, steel stanchions, steel rafters, timber purlings, roof and sides will be covered in tin box profile. Frame is manufactured to BSEN1090.v".
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Decision

1. The appeal is allowed and planning permission is granted for erection of additional agricultural storage shed to that currently in situ to store tractors and agricultural machinery and fodder at Overdale, Buzzacott Lane, Coombe Martin, Devon, EX34 0NL in accordance with the terms of the application, Ref 75072, dated 28 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun no later than the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NDC001; NDC002; NDC003; NDC004; NDC005.
 - 3) Prior to the building hereby approved being brought into first use, a bat box shall be sited on the west elevation and bird box on the north elevation of the building hereby approved and shall be maintained and retained thereafter.

Preliminary Matters

2. The description of development used in the banner heading above has been taken from the application form. However, in allowing the appeal I have used the description in the appeal form and the Council's decision as it is more precise.
3. The Council initially suggested a holiday let condition, though subsequently revised their suggested list of conditions to omit this.

Main Issues

4. The main issues are (i) whether the site is a suitable location for the proposed development; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Whether suitable location

5. The site is in a countryside location, though on its outer periphery, is visually and physically well related to Combe Martin, which is defined within Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (LP) as a Local Centre. The Policy seeks to control development beyond Local Centres that would meet local economic and social needs, and development necessarily restricted to a countryside location. Policy DM14 of the LP details the Council's strategy for small scale economic development in the countryside. Amongst other things, it is supportive of appropriately scaled buildings that are well related to a defined settlement or uses that would have a strong functional link to agriculture.
6. There is some space currently allocated for the repair of farm vehicles within existing buildings, though the maintenance and management of such vehicles would nevertheless have a strong functional link to agriculture. Additionally, I have not been provided with any substantive evidence to demonstrate the site is not currently in an agricultural use.
7. The appellant's submitted documents confirm that the building would be required to safely store an extensive list of machinery including several trailers, a small bailer, a log bench and splitter, mower, fertiliser spinner and a collection of working and used classic tractors associated with the 11.2 acre holding. At my visit I did not notice any livestock on the site, though observed there to be a substantial amount of farming machinery located outside the existing buildings, reflective of some of the above items and an agricultural activity.
8. Whilst the proposal would be larger than the existing buildings on the site, its scale would be commensurate with the identified proposed storage use and the size of the holding. Even though the site is well related to a settlement, I am nevertheless satisfied the development would be reasonably necessary for the continued maintenance and management of the agricultural holding.
9. Therefore, I conclude on this main issue that the site is a suitable location for the proposed development having regard to the provisions of local policy. As such, it would not conflict with policies ST07 and DM14 of the LP which together in this respect support small scale development that would be well related to settlements or that would have a strong functional link to agriculture.

Character and appearance

10. The site is within the North Devon Coast Area of Outstanding Natural Beauty (AONB) where the National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing landscape beauty. The area is characterised by its deep valleys and pastoral landscape of hedged fields. The proposal would be positioned upslope of the existing buildings on site and consequently, partially visible from the adjacent lane, neighbouring properties and in the landscape.

11. It would differ from the existing built form on the site by reason of its increased height, proposed pitched roof and grey metal sheet cladding. However, despite protruding above existing hedge boundaries, the proposal would abut existing built form within a less exposed corner of the wider field on rising land, which would ensure that it would not be unduly prominent or intrusive in the wider landscape. Furthermore, it would be read within the context of existing agricultural buildings.
12. Therefore, I conclude on this main issue that the proposal would have an acceptable effect on the character and appearance of the area. As such, the proposed development would accord with policies ST07, ST09, DM04 and DM14 of the LP which, amongst other things, seek to promote development that would conserve and enhance the landscape character of the area. There would also be no conflict with chapter 15 of the Framework which attaches great weight to conserving and enhancing designated landscapes.

Other Matters

13. In reaching my decision I have had regard to representations made by interested parties. Given the proposed positioning of the building away from properties and the current use of the site, I find it unlikely that additional noise emanating from the development or potential increased traffic would harmfully disturb nearby residents or the local highway network respectively. Furthermore, I have not been provided with any substantive evidence to the contrary and it is noteworthy that the Council found similarly in this regard.

Conditions

14. I have imposed a plans condition in the interests of clarity and a condition requiring the provision of bird and bat boxes prior to occupation to secure biodiversity net gain.
15. The Council has suggested a landscaping condition, and whilst the development would be larger than the existing building on the site, I have found its effect on the landscape to be acceptable and consequently I have not imposed this condition.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR