



Appeal Decision

Site visit made 18 July 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2023

Appeal Ref: APP/J9497/W/22/3292509

Land at Nine Stones, South Zeal EX20 2PZ

- 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 Ms K Pearson against the decision of Dartmoor National Park Authority.
 - The application Ref 0496/21, dated 10 August 2021, was refused by notice dated 2 November 2021.
 - The development proposed is erection of stone and timber clad field shelter.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Park Authority's (NPA) reasons for refusal refer to a number of policies from the Dartmoor National Park Development Plan. Since the decision, these policies have been superseded by those in the Dartmoor Local Plan 2018-2036 (the DLP), which was adopted on 3 December 2021, and now forms part of the development plan for the area. The NPA identified the relevant policies from the DLP that should be considered in the determination of the application in its Questionnaire and Officer Report. The appeal timetable has allowed the appellant the opportunity to comment on the implications of the change in status of the Local Plan since the decision. I have dealt with the appeal on this basis.
3. I attempted to visit the site on 3 May 2023, but I was unable to gain access. Consequently, a site visit was re-arranged for 18 July 2023.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, which falls within Dartmoor National Park, and if harm is identified in this respect, whether this would be outweighed by other material considerations such that a grant of planning permission would be justified.

Reasons

Character and appearance

5. The appeal site lies on the lower slopes and to the east of Cosdon Hill in the 2D Moorland Edge Slopes Landscape Character Assessment within Dartmoor National Park. 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.

6. In accordance with Policy 5.8 of the DLP, agricultural and other rural land-based development will be permitted where, amongst other things, the development's scale is proportionate to a proven functional need which cannot be met by an existing building. The policy requires that development conserves and/or enhances the National Park's Special Qualities, particularly landscape character, biodiversity, heritage significance, tranquillity and dark night skies. In the case of new buildings, the policy requires they are clustered with existing building groups and enclosed with an appropriate boundary feature.
7. The site comprises an area of wet woodland, scrub, wet grassland and mire, which is of high conservation value. The land holding falls from west to east and the appeal site is surrounded by fields. It is slightly elevated above and set back from the public bridleway, which passes along the eastern boundary of the holding.
8. During my site visit, I noticed buildings within scattered farmsteads and dwellings, including a shelter within the field at the eastern extent of the appellant's holding. Nonetheless, there was a very obvious absence of development in the landscape. There were no other buildings for some distance in any direction of the appeal site. As such, it is in an isolated location. Taken together these features give the site a sense of tranquillity with a deeply rural and remote character.
9. The proposed building would be in a position next to the western boundary and large enough to accommodate tools and implement storage, feed and bedding storage, and a shelter. The building would stand as an isolated structure at the edge of the field with a backdrop of moorland. There are no other buildings in the immediate vicinity and, as such, it would represent a somewhat incongruous feature in the overall landscape area, despite its scale and natural timber and stone finish. It would not be clustered with any other buildings in the area, nor would it respect the sense of remoteness of this part of Dartmoor.
10. I accept the existing trees and vegetation would contribute to screen the proposal so that it would not be readily visible from the wider landscape, including the public bridleway. However, in view of the high level of protection afforded to the National Park, the proposed building would represent a harmful incursion of development into the undeveloped landscape. It would have a detrimental effect on the character and appearance of the area of this part of the National Park, which is largely of an undeveloped, remote patchwork of enclosures at the moorland edge.
11. For the above reasons, the proposal would cause harm to the character and appearance of the National Park. It would be contrary to Policies 1.1, 1.2 and 5.8 of the DLP, which together require development to conserve and/or enhance the National Park's landscape character, wildlife and cultural heritage.
12. It would 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 material considerations

13. The appellant has explained that the building would be used to facilitate the conservation management of the land holding, which would be achieved through a combination of grazing and pro-active land management.
14. While it may be beneficial for the appellant to have storage at the site, once the essential maintenance works are carried out, the requirement for equipment is likely to be intermittent and limited. Moreover, whilst three cattle would be used to graze the area, this would also likely be a seasonal activity. In any case, acknowledging the appellant's desire to keep cattle on the land, I have no basis to consider the existing shelter on the holding could not be used. Thus, there is little compelling evidence to demonstrate an over-riding need for the permanent building proposed. Accordingly, this matter carries only limited weight.
15. Whilst there is some evidence that a building existed on this site historically, and there is a partial stone wall along the western boundary, I noticed that the site comprised bracken, rough pasture and reeds. There was virtually no evidence of it visible on the ground at the time of my site visit. Consequently, the site contributes to the verdant and undeveloped character of the area. Moreover, I have little evidence to demonstrate that the proposed building would be a faithful reinstatement of a historic structure that previously existed on site. As such, I afford this only limited weight.
16. There would be ecological benefits, including through management of the wet woodland, wet grassland and mire areas, and the creation of riparian habitat and wildflower meadow. However, these matters do not overcome the harm that the proposed building would cause, nor do they negate the requirement for development to conserve the National Park's landscape character.
17. I acknowledge the suggestion that a management plan for the holding could be secured via condition before the proposed building would be erected. However, this would not in itself mitigate the harmful effect of the proposal on the character and appearance of the National Park.
18. The appellant states that they do not have storage facilities elsewhere and I acknowledge there is interest from local groups who on occasion may wish to use the site. 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 and scenic beauty of the National Park's landscape. Furthermore, no substantive evidence has been provided to demonstrate that the proposed building at the appeal site is the only option, or that there are obstacles to a continued appropriate management of the land without the proposed building.
19. Overall, I afford no more than limited weight to the evidence of need advanced as justification for the proposal. These do not represent material considerations sufficient to outweigh the harm identified to the National Park.

Conclusion

20. For the reasons given above, the proposal would conflict with the development plan, taken as a whole. Material considerations identified in this case do not indicate that permission should be forthcoming. Therefore, I conclude that the appeal should be dismissed.

J White

INSPECTOR