



Appeal Decision

Site visit made on 14 November 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/J9497/W/23/3318757

Post Box Field, Lower Combe, Buckfastleigh TQ11 0JA

- 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 A Webber against the decision of Dartmoor National Park Authority.
 - The application Ref 0330/22, dated 5 August 2022, was refused by notice dated 11 November 2022.
 - The development is the erection of field shelter, stable, feedstore and hay storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development was completed before submission. The Authority has assessed the scheme retrospectively. During my site visit, I observed that a building incorporating a stable, a partially open-sided field shelter, a tack room and a hay store had been constructed and was in use. Therefore, I have determined the appeal scheme retrospectively.
3. Whilst the Authority has referred to the existing stock fencing located in the same field as the site, the development described on the application form and within the accompanying details does not include it. Furthermore, the Site Location Plan¹ shows the site as the area where the building is positioned, with the wider field marked with a blue line. Similarly, the application does not seek planning permission for a change of use of the field for grazing horses. I have therefore determined the appeal based on the development for which planning permission was sought, namely as set out in the description of development.
4. The Authority referred to the National Planning Policy Framework 2021 (the Framework) on the decision notice. A new version of the Framework came into effect in September 2023, and I have determined the appeal in accordance with it. However, as the Framework's policy content insofar as it relates to the main issue is unchanged, no party would be prejudiced by this approach.
5. I have been made aware of the Authority's enforcement case² related to the development. However, this is not a consideration for this appeal.

¹ Prepared by Forester TPC Limited, untitled and undated

² Authority's ref: ENF/0002/21)

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the Dartmoor National Park (the DNP).

Reasons

7. Given the site's location within the DNP, I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. Further, the DNP has the highest status of protection concerning these issues. The first statutory purpose of a National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
8. The appeal site forms a small part of an agricultural field located within the Landscape Character Type 2D: Moorland Edge Slopes³ which is characterised by a distinctive sense of place, with peaceful, historic settlements set within an intricate mosaic of rolling medieval fields and a network of winding lanes bounded by tall Devon hedge banks. These valued landscape attributes are evident in the site's surroundings, particularly a patchwork of rectangular fields defined by mature landscape features, interspersed with areas of woodland and the hedge-lined lane close by.
9. Beyond the site, the agricultural field has a sloping topography which is steep in areas, forming part of the valley associated with the River Mardle running through the nearby hamlet of Lower Combe. Combined with the changing levels in the area, the mature hedgerows on the field boundaries and the substantial tree cover located within the river valley enclose the field. The lightly trafficked narrow, winding lane located close by ensures a sense of tranquillity is maintained on and surrounding the site.
10. Strategic Policy 5.10 of the Dartmoor Local Plan 2018-2036 (the Local Plan) permits equestrian development in specific circumstances and is amplified in the Dartmoor National Park Design Guide 2011 (the Design Guide). Of relevance to the development includes:
 - a) where it conserves and/or enhances the DNP's special qualities;
 - b) new buildings and structures are not isolated, are clustered with existing building groups and enclosed with an appropriate boundary feature; and
 - c) adequate grazing land, buildings and facilities are available.
11. The development introduces man-made features into the area with the building situated on the highest part of the site, close to the lane. No other buildings are located nearby and, being positioned alongside the river, the built form associated with Lower Combe is physically and visually separated from the development. As a result, the building is isolated from other built form. Despite being screened from close views by the topography and existing landscape features, nevertheless, the development introduces additional facilities for horses which further the gradual encroachment of development into the landscape. This is identified as a key pressure on the special qualities of the DNP and a consequence Strategic Policy 5.10 seeks to avoid. The height and

³ A Landscape Character Assessment for Dartmoor National Park, prepared by LUC for Dartmoor National Park Authority, dated April 2017

scale of the building, the colour and type of materials used, and the lack of external lighting, do not alter this impact. Therefore, the development does not conserve or enhance the special qualities of the DNP.

12. The application plans include proposed screening planting⁴ outside the site boundary, alongside the existing wooden fence which dissects the field. Although comprising native trees and hedgerows, given the limited views of the building in the wider area, this would not mitigate the fact that the building introduces development into an otherwise undeveloped area. Furthermore, as a permanent feature, it would disrupt the valued medieval field pattern.
13. It has also been suggested that a condition could be imposed on the grant of planning permission, limiting the use of the building to the appellant, given their historical connection to the area. This could also require the removal of the building should the appellant sell the field. However, the harm I have identified above due to the presence of the building would remain. As such, it would not be made acceptable through the use of this condition, as required by paragraph 55 of the Framework. Nor would imposing a condition that restricts the relocation of the building without the written consent of the Authority.
14. Although many of the fields surrounding the site are used for grazing horses, not all include existing outbuildings, barns or field shelters. Nevertheless, and notwithstanding the planning regime in place at the time of their erection, the presence of such structures, even in similarly isolated locations, does not mean unacceptable development should be permitted. As the approved planning application⁵ on land two fields away comprised a substantially different development to the case before me, it is a materially different scenario, even if the appellant considers its large scale would be detrimental to the DNP.
15. The Authority has raised concerns about the amount of grazing land provided for the appellant's horse and two ponies (hereafter referred to as the horses). However, this relates to land outside the site, albeit within the remaining part of the field, and therefore falls outside the remit of this appeal. Based on the evidence before me, given the specific requirements for the appellant's horses set out in the Veterinarian's letter⁶, I conclude that the building provides adequate shelter for the horses.
16. Nonetheless, the development does not meet the other circumstances of Strategic Policy 5.10 where equestrian development will be permitted. I conclude that the development harms the character and appearance of the area, with particular regard to the DNP. It is contrary to strategic policies 1.1, 1.2, 2.1, 2.6 and 5.10 of the Local Plan which, amongst other provisions, seek to deliver the purposes of the DNP, protect Dartmoor's special qualities and conserve and enhance the character of the landscape. The development also conflicts with the guidance set out in the Design Guide which, for equestrian development, promotes the siting of new buildings adjacent to existing buildings.
17. As great weight is given to conserving and enhancing the landscape and scenic beauty of the DNP, I find the development conflicts with the Framework and

⁴ As shown on Drawing No. 22_3_SS – Proposed new screening vegetation, dated Aug 2022

⁵ Authority application ref: 30382/22

⁶ Letter from Richard Frost of Tor Equine Veterinary Practice, dated 16 March 2023

the statutory purpose of the DNP as set out in the English National Parks and the Broads UK Government Vision and Circular 2010.

Other Matters

18. I have been referred to the fact that the building is moveable, as it stands on skids. Whilst it may technically be possible to move, it has been demonstrated that the building's siting has been carefully selected as the most appropriate location given the sloping nature, excavation required and ground conditions of other parts of the field⁷. Furthermore, a separate area has been created around it using stock fencing. I conclude, therefore, that the likelihood the building will be moved is low and its location to be permanent.
19. I sympathise with the appellant's desire for the horses to remain on the appeal site, close to their home due to the mental health, well-being and recreational benefits they provide and that alternative locations to do this may be limited. However, as this is a private benefit and despite the local support set out in several representations made by interested parties, it does not outweigh the harm I have identified above. I also appreciate the need for the horses to have shelter during adverse weather conditions. Despite this, I have no substantive evidence before me to conclude that the building as currently constructed is the only means by which this could be provided.
20. The absence of harm to the natural resources in the area, including water, biodiversity and flood risk from the development is a neutral factor in my decision.
21. I have been made aware that the Grade II Listed Buildings of Combe Bridge House and Combe Bridge are located close to the site, within the hamlet of Lower Combe. Given the distance between the site and these structures, combined with the sloping topography towards the hamlet and the intervening mature landscape features, a visual connection between them and the development is severely limited. The development, therefore, is not an obtrusive feature in the setting of either Listed Building, thereby conserving the setting of these heritage assets.
22. My attention has been drawn to other appeals relating to field shelters for equestrian use within National Parks. These include enforcement appeals relating to two sites within the South Downs National Park⁸. Both these sites include field shelters which the Inspectors deemed to be moveable given their lack of flooring and simplistic structure. The Inspector on a further appeal⁹ relating to three simple field shelters within the DNP concluded that the structures were not isolated given their relationship to a barn and stable nearby. As such, all these appeals comprise materially different circumstances to the case before me.
23. I sympathise with the appellant that when the development was completed the adopted local planning policies used less restrictive wording. However, my conclusions above regarding the permanence of the building may have led to the need for planning permission in any event. Nevertheless, any conflict with the emerging policies would have been given weight commensurate with the stage the Local Plan had reached in the review process.

⁷ Letter from JJ Bell of Rendells, dated 17 February 2023

⁸ APP/Y9507/C/13/2198969 and linked appeals APP/Y9507/C/2196174 & 2197125, & APP/Y9507/X/13/2196173

⁹ APP/J9497/W/3237306

24. The appellant may have made improvements to the field since it was purchased, including hedgerow maintenance and replanting, and the management of the grazing land. However, I have no substantive evidence demonstrating these improvements and any biodiversity gains resulting from them, nor that they were dependent on the erection of the building.
25. Any concerns regarding due process during the determination of the planning application, including the timing of any site visits or the accuracy of details in the Authority's Officer Report fall outside the remit of this decision.

Conclusion

26. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR