



Appeal Decision

Site visit made on 21 November 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal Ref: APP/U1105/W/23/3321823

Chadstone Farm, Rousdon, Lyme Regis DT7 3XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Chadstone Farm Estate against the decision of East Devon District Council.
 - The application Ref 22/2196/AGR, dated 3 October 2022, was refused by notice dated 9 December 2022.
 - The development proposed is described as "purpose built agricultural barn for the storage of tractors and machinery."
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Decision

1. The appeal is allowed and prior approval is granted for the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a purpose built agricultural barn for the storage of tractors and machinery at Chadstone Farm, Rousdon, Lyme Regis DT7 3XP in accordance with the details submitted pursuant to Schedule 2, Part 6, Class A, paragraph A.2.(2) of the GPDO via application Ref 22/2196/AGR, dated 3 October 2022.

Preliminary Matters

2. The GPDO permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit. Paragraph A.2(2) (i) of the GPDO states that for development permitted by Class A the developer must, before beginning the development, apply to the local planning authority for determination as to whether its prior approval will be required as to the siting, design and external appearance of the building.
3. Therefore, the question of whether the proposal would be permitted development needs to be dealt with ahead of any consideration of the prior approval details. In that context, the Council determined that the proposed building was not permitted development as, amongst other things, the availability of other buildings meant it was not reasonably necessary for the purposes of agriculture. Additionally, the Council contended that prior approval for the siting of the proposed building was required due to the effect on the character and appearance of an Area of Outstanding Natural Beauty (now known as a National Landscape (NL)) and Coastal Preservation Area (CPA). The Council has not identified any issues in relation to the design and external appearance of the proposed building.

Main Issues

4. The main issues are:

- whether the proposed development would be permitted development; and if so
- the visual effect of the proposed development on the surrounding area having regard to its siting.

Reasons

Whether permitted development

5. Whilst the proposed building would be conveniently located close to the appellant's home, measures could conceivably be employed to improve security and access arrangements to and from other buildings within the agricultural unit. Therefore, although valid concerns, these matters would not in themselves mean the proposal would be reasonably necessary for an agricultural purpose. The appellant's evidence does however demonstrate that the proposed building is specifically designed and required for hedgerow and woodland management over the 240 acre unit, including new woodlands planted near the appeal site. It is acknowledged that the land is mostly used for crops and grazing, though at my visit, I observed numerous stretches of tall hedgerows.
6. The appellant submits that the proposed building would allow for the storage of a small tractor, trailer, Land Rover and hedge flails along with smaller items including a wood log cutter, chainsaws, strimmers, fuel storage containers and a variety of hand tools. Additionally, notwithstanding any further items identified by the appellant with this appeal, the Council does not dispute that the maintenance of field margins and boundaries are activities that are necessary and integral to farming the land. As such, although the submitted photographs show a grass flail and smaller maintenance items that could be stored in a domestic garage, the amount of equipment likely to be required and space provided for it would be commensurate with the modest woodland and extensive hedgerow management needs. The proposed building would be reasonably necessary for the purposes of agriculture.
7. There are other buildings within the agricultural unit, including a large cattle barn and open storage pole barn. Even if it were viable to securely convert these buildings to accommodate the proposed storage uses, these barns are of a large scale appropriately constructed for these specific purposes. Moreover, there is no reason why they could not revert to their former intended function or continue to serve a useful agricultural purpose within the overall unit. In that context, the intensity of agricultural uses will vary over time, particularly if the land is contracted out. Furthermore, the appellant states that the existing barns are currently used for the storage of high bulk material that includes large lengths of timber relating to tree felling. I have no substantive evidence to the contrary.
8. Additionally, a further building to the south of the appeal site is well constructed and could conceivably store some items securely. Although this building may not currently be used, it is of a very small scale that would not be suitable for the proposed storage requirements. These alternative buildings

would therefore not meet the appellant's identified specific agricultural requirements. In any case, the presence of these existing buildings within the agricultural unit does not take away the right within the GPDO for new buildings, nor does the GPDO put an upper limit on the number of new agricultural buildings that could be permitted.

9. For the above reasons, and in the absence of any compelling or convincing evidence to the contrary, the proposed building would be reasonably necessary for the purposes of agriculture as set out in the GPDO.

Character and appearance

10. The proposed building would have a floor area of around 72sqm and would be approximately 4m at its highest point and 3m to the eaves. The appeal site and surrounding area is designated as being within a NL and CPA. It is characterised by its high, open and medium to large fields. Longer distance views of the coast and rolling countryside with its interspersed woodlands and occasional properties form a tranquil landscape setting. The proposal would be sited below the crest of a hill within the lower corner of a large field that is bound by existing hedgerows. Notwithstanding any inaccuracies in the submitted illustrative topographical sketches, these landscape features, as well as the intervening property (Chadstone) would be likely to largely screen views of the appeal building from both the field entrance and an additional entrance beyond Chadstone's garden area towards the A3052.
11. Very limited and long distance views of the appeal site are available from Leggetts Lane. From here, although not sited immediately next to Chadstone and its associated outbuildings, the proposal would be broadly clustered and visually read within their context. It would also be set at a low point in the rolling landscape against a backdrop of rising land, Chadstone and an additional property. The eye would consequently not be drawn to the proposal building from Leggetts Lane.
12. Even if views towards the appeal site from the north were unobstructed for bus passengers, the appeal building would be in the region of 450m from nearest parts of the main road. Additionally, from this area I observed that it would be set behind a hedgebank and established tree cover. Moreover, the proposal would be typically agricultural in its appearance and of a very small scale such that it would not appear unduly prominent or out of place.
13. The appeal site is located within an NL where the National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing its natural beauty. The Council cite conflict with a number of development plan policies including Strategy 7, Strategy 44, Strategy 46, D1 and D6 of the East Devon Local Plan 2013 to 2031 – January 2016. However, the GPDO already establishes the principle of development. Therefore, the Framework and these policies cannot be the basis of the planning judgement to be made, though they are a material consideration as they refer to the effects of development proposals on the character and appearance of the area. As such, they have been informative rather than determinative to my decision on the siting of the proposal. In that respect, I would not have come to a different conclusion even when taking into account the aforementioned material considerations.

14. For the above reasons, the proposed siting of the development would not have a visually harmful effect on the surrounding area.

Other Matters

15. 3rd party comments in respect of the planning history are noted. However, as the appeal relates to prior approval, the matters for consideration are restricted to those set out in the relevant paragraphs of the GPDO. Therefore, these other issues raised fall outside the matters I can consider.

Conditions

16. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for agricultural development on units of 5 hectares or more in paragraphs A.2(2)(v) and (vi). These specify that the development must be carried out in accordance with the approved details submitted with the application and within 5 years of the date of this approval. As such, there is no reason for me to impose any additional conditions as suggested by the Council.

Conclusion

17. For the reasons given, taking into account all other matters raised and material considerations, I conclude that the proposal would be permitted development and would be acceptable with respect to the character and appearance of the area resulting from the siting of the proposed building. The appeal should therefore be allowed, and prior approval is granted.

J Hills

INSPECTOR

