



Appeal Decision

Site visit made on 2 January 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/P1133/W/23/3322200

Land to the north of the A382, Blatchford, Teigngrace, Newton Abbot TQ12 6PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Mark Griffiths against Teignbridge District Council.
 - The application Ref 22/01319/FUL, is dated 4 July 2022.
 - The development proposed is described as 'The applicants seek consent for the current use and layout of the site. The current site is being utilised for the use as agricultural storage and is within the definition of agriculture under Section 336 of the Town and Country Planning Act 1990 as ancillary to the farming of the land for other agricultural purposes and would be deemed as reasonably necessary.'
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Decision

1. The appeal is allowed and planning permission is granted for hard standing area for storage of machinery, fodder and agricultural equipment at Land to the north of the A382, Blatchford, Teigngrace, Newton Abbot TQ12 6PS in accordance with the terms of the application, Ref 22/01319/FUL, dated 4 July 2022, and subject to the conditions set out in the schedule to this decision.

Procedural Matters, Background and Reasons

2. The description of development in the banner heading above has been taken from the planning application form. However, the appeal form includes different wording which better captures the scope of the development, which has already been carried out. I have therefore used this revised description, although I have omitted words which do not describe acts of development.
3. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 22/01319/FUL within the prescribed period. As such, there is no decision notice. However, the Council's appeal statement sets out that the proposed development is acceptable, subject to conditions, and accords with the adopted development plan, which includes the Teignbridge Local Plan 2013-2033, the Newton Abbot Neighbourhood Development Plan 2016-2033 and the Devon Minerals Plan 2011-2031. My assessment of the submitted evidence and site visit observations do not lead me to a different conclusion, and the Council indicates that it would have granted permission had it made a formal decision.

Other Matters

4. There is a grade II listed building, Blatchford Farmhouse, to the east of the appeal site. Significant for, amongst other aspects, its historical and

architectural form and its remarkably unaltered interior, the building is set within a generally rural, agricultural context. The Council does not allege that the development would have an adverse effect on the listed building and its setting. On the basis of the available evidence, and given the scheme's agricultural nature and the site's degree of separation with the listed building, I have no reason to disagree. Accordingly, I am satisfied that the proposed development preserves the significance of the designated heritage asset, including in relation to the listed building's setting and any features of special architectural or historic interest which it possesses.

Conclusion and Conditions

5. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development accords with the development plan as a whole. With no material considerations indicating that the proposed development should be determined otherwise than in accordance with it, the appeal is therefore allowed.
6. I have considered the Council's suggested conditions against the advice provided in the National Planning Policy Framework and Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity, consistency and reasonableness.
7. In the interests of certainty, I have imposed a plans condition. A condition covering the use of the development is necessary in the interests of clarity and the character and appearance of the surrounding area. A condition relating to drainage is necessary with regards to surface water run-off. Conditions covering landscaping and external lighting are necessary in the interests of the character and appearance of the surrounding area and biodiversity. A condition securing the recommendations in the Retrospective Ecological Impact Assessment report is also necessary in the interests of biodiversity.
8. The Council suggested a further condition requiring removal of the hardstanding if it ceases to be used for agricultural purposes within ten years. However, I have little substantive evidence that such a condition would be justified and reasonable. Based on the description of development and the second condition I have imposed, use of the hardstanding for non-agricultural purposes would also require permission. I have therefore declined to impose this condition.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan (JJB/A3/01); and Datum Plan (JJB/A3/02).
- 2) The hardstanding hereby permitted shall be used solely for the purposes of agriculture (as defined by Section 336 of the Town and Country Planning Act 1990 (as amended)) and associated open storage of agricultural fodder and equipment.
- 3) The hardstanding hereby permitted shall be retained as permeable and the installed drainage, as detailed in the submitted Drainage Report (by Promech, undated), shall also be retained.
- 4) The landscaping scheme detailed in the submitted Proposed Planting Scheme (undated) and shown in figure 2 of the submitted Retrospective Ecological Impact Assessment (by Richard Green Ecology Ltd, dated September 2022), shall be fully implemented in the planting season following this decision and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.
- 5) The recommendations, mitigation and enhancement measures set out in the submitted Retrospective Ecological Impact Assessment (by Richard Green Ecology Ltd, dated September 2022) shall be implemented within 12 months of this decision.
- 6) No external lighting shall be installed within the site unless it is installed in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

END OF SCHEDULE