



Appeal Decision

Site visit made on 24 January 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/Q1153/W/23/3317976

Land to the east of Summer Green, Road From Blacksmiths Arms to Venn House, Lamerton PL19 8FJ

- 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 M Bassett against the decision of West Devon Borough Council.
 - The application Ref 1842/22/FUL, dated 24 May 2022, was refused by notice dated 8 September 2022.
 - The development proposed is described as 'creation of farm track'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, as confirmed by the planning application form, work had already commenced on site. These works comprised the provision of earth bunds and preparation of the land for the access track. In addition, the parking/turning area was partially hard surfaced. The works carried out appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans and as being part-retrospective.
3. The Council's second reason for refusal references the emerging Lamerton Neighbourhood Plan. I have limited details of its exact stage of preparation although both parties acknowledge that it is in draft form and carries little weight. On that basis, I give the document little weight.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the appeal site is an appropriate location for the development; and,
 - the effect of the development on the living conditions of the occupiers to the rear of the site at numbers 1 and 2 Summer Green.

Reasons

Character and appearance

5. The appeal site forms part of a larger agricultural field to the east of Summer Green. The site is bounded to the north and west by hedgerows. Beyond the

hedgerow to the west are the rear gardens of dwellings and beyond the hedgerow to the north is a playing field. There are open agricultural fields generally to the east of the site enclosed by hedgerows and trees. The appeal site forms part of an area locally known as the 'Green Triangle' and has an appearance more akin with the rural countryside than the adjoining residential development.

6. The site lies within the 'River Valley Slopes and Combes' landscape character type, as defined within the South Hams and West Devon Landscape Character Assessment 2018 (LCT). The key characteristics of the LCT include: rounded hills and undulating slopes, with ranching narrow valley systems; a farmed landscape with pasture fields; an intricate patterned mosaic of predominantly small to medium irregular fields; low hedgerows and mature hedgerow trees; a sense of enclosure and seclusion and; a strong sense of tranquillity. The site is representative of many of these key characteristics.
7. The longest earth bund constructed on site extends down the route of the access track with a second bund running at 90 degrees adjacent to the parking/turning area. By reason of their regular form, areas of bare earth and positions running through the field, they have an appearance that is prominent, alien, and harmful to the more open and natural character and appearance of the area. The bunds would not be characteristic of the area as identified by the LCT.
8. While the bunds are intended to screen the farm track and parking/turning area, by reason of their position, they would not screen them fully from the access. Moreover, they would not fully screen the track, parking/turning area in some views from the road to the east of the site known locally as 'The Avenue'. From here, the track and bunds would be visible across the valley forming the 'Green Triangle'. They would appear at odds with the surrounding landscape where access tracks and bunds of the lengths constructed are not commonly viewed in association with the appeal site and from where any hard surfacing associated with the playing fields to the north is not clearly visible due to boundary planting. As bunds are not characteristic of the area, any planting to them secured by condition would also be uncharacteristic. Moreover, any planting would take time to establish.
9. The location for the parking/turning area would be at the highest part of the appeal site and one of the most prominent when viewed from across the valley. From these locations any vehicles or machinery would not be viewed in association with any agricultural buildings where such storage more commonly takes place within rural areas and reduces any wider visual effect on the open countryside. As a result, this part of the development would also be uncharacteristic of the area as identified in the LCT.
10. It follows from the above that the development would harm the character and appearance of the area contrary to Policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (March 2019) (JLP). Amongst other things, these seek to ensure development proposals contribute positively to their surrounds and scenic quality of the landscape.
11. In light of the harm to the character and appearance of the area, the development would not help to enhance the immediate setting of the site. As a result, the development would also be contrary to Policy TTV26 2.vi. of the JLP that states that development proposals should help enhance the immediate

setting of the site. It would also be contrary to paragraph 180 of the Framework that states that decisions should contribute to and enhance the natural and local environment.

Whether appropriate location

12. Policy TTV26 and supporting paragraphs 5.168 and 5.169 of the JLP relate to the consideration of development proposals. They do not state that the policy is restricted to the consideration of residential development only. Criterion 2.iv. to JLP Policy TTV26 requires development in the countryside to respond to a proven agricultural, forestry and other occupational need that requires a countryside location. As criterion 2.iv. does not state that this is related to a solely residential or essential need for a rural worker's dwelling, and as an occupational need can relate to a business or work-related need to occupy a countryside location, I find that it is relevant to the current appeal. I have had regard to the wording at paragraph 11.58 of the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document (July 2020), but to my mind this clarifies that in relation to proposals caught by criterion 2.iv. that do relate to the need to live on-site, specific operational details are required to meet the policy.
13. Even if I were to find that Criterion 2.iv. to JLP Policy TTV26 is not relevant to the appeal, Policy DEV15 of the JLP states that development will be supported which meets the essential needs of agriculture or forestry interests. As a result, an agricultural need for the track should be demonstrated.
14. The appellant states that the track and the parking/turning area are generally needed to serve the adjacent agricultural building and land, due to wet ground conditions, to ensure that the land is not destroyed and to aid the maintenance of the landscape.
15. The evidence from the Council and third parties questions the intensity of the use of the land for farming purposes and therefore the need for the development. At the time of my site visit, there was no visible agricultural use of the adjacent barn taking place, little sign of wider farming of the immediate land and no vehicles or significant machinery visible on the appeal site or adjoining agricultural fields.
16. I acknowledge that towards the bottom of the route for the access track the land is more sodden, and that the wider area can attract significant levels of rainfall. However, evidence from third parties suggests that the land has been previously farmed and accessed without the need for a hard surfaced track or parking/turning area and without vehicle movements destroying it. In light of this, and in the absence of more detail in relation to the extent of any livestock or machinery owned by the appellant, and details regarding the intensity of the use of the access, track and associated barn, an occupational need for the development has not been adequately justified.
17. While I acknowledge that vehicles and associated trailers could already be parked on the site, and that the development would likely complement and not prejudice any agricultural operations in accordance with JLP Policy TTV26 2.iii., there is little evidence of parking taking place and little convincing evidence of an associated need for the hard surfaced parking/turning area or track.

18. It follows from the above that it has not been demonstrated that the appeal site is an appropriate location for the development. As a result, it is contrary to Policies DEV15 and TTV26 of the JLP.

Living conditions

19. The Survey Site Plan¹ details a parking/turning area within the extent of the appeal site at the northern end. The parking/turning area would be off the site access adjoining the rear outdoor space of the dwellings forming numbers 1 and 2 Summer Green.
20. I have found above that the appeal is not accompanied by compelling evidence demonstrating a need for the parking/turning area or access track. In the absence of details of the extent of the use of this area, the development has the potential to create noise and disturbance to the outdoor space associated with numbers 1 and 2 Summer Green. This would be the case regardless of its size limiting the type and number of vehicles it can accommodate.
21. I acknowledge that the parking/turning area would be set away from the rear elevations of numbers 1 and 2 Summers Green, with fencing separating them. However, in the absence of details of the extent of the use of the parking/turning area, I cannot be sure that fencing would adequately mitigate noise from running engines, manoeuvres, opening/closing doors and other activity. I also acknowledge that numbers 1 and 2 front onto a fairly busy road with its associated noise. Notwithstanding, with the rear outdoor space further from the road behind the dwellings and directly adjoining the appeal site, noise and activity from the site would have a more direct impact. Moreover, any noise could add to the existing road noise worsening the current situation.
22. I have had regard to the fact that the location of the parking/turning area could be used for the parking/storing of vehicles and farm machinery in association with the agricultural use of the land. However, I have found above that there is limited evidence of parking/storage having previously taken place on this land and the development would formalise its use requiring assessment of any effects.
23. I conclude that it has not been suitably demonstrated that the development would not have a harmful effect on the living conditions of the occupiers to the rear of the site at numbers 1 and 2 Summer Green. As a result, the development is contrary to Policies DEV1 and DEV2 of the JLP. Amongst other things, these seek to safeguard the health and amenity of local communities, protects existing residents from noise disturbance and avoid harmful impacts for existing development arising from noise pollution.

Other Considerations

24. The appellant has drawn my attention to bio-diversity benefits from the banks and any new planting secured by condition, and to a further benefit from the likely reduced levels of vehicle noise due to the hard surfaced access track negating vehicles getting stuck in wet ground. However, any biodiversity benefits would be minimal given the small scale of the proposal and there is limited evidence supporting any noise benefits from the access track. As such I give these benefits very little weight in my consideration of the appeal.

¹ Drawing Number 599/01 Revision C

Conclusion

25. In the absence of substantive evidence to the contrary, the appeal site is not an appropriate location for the development and would be harmful to the character and appearance of the area and living conditions of nearby occupiers.
26. As a result, the development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR