



Appeal Decision

Site visit made on 9 April 2024

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/Q1153/W/23/3329048

Westworthy, Hill Road, North Tawton, Bodelleigh EX20 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Llwyn against the decision of West Devon Borough Council.
 - The application Ref is 1532/23/FUL.
 - The development proposed is described in the application as *"The proposal is to construct a new steel framed Barn, The external elevations would be covered with black feather edge cladding and the roof weatherproofed with a Slate Grey single ply membrane. It is proposed to install dark brown Roller Shutter Doors to the elevation. The Barn would be used for the safe storage of machinery equipment etc used on the property. The construction of the barn will not effect any other building on the site, The site of the barn is classified as agricultural.."*
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Decision

1. The appeal is allowed and planning permission is granted for steel framed barn at Westworthy, Hill Road, North Tawton, Bodelleigh EX20 2DJ in accordance with the terms of the application, Ref 1532/23/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13179/02 Rev. A Proposed Barn Site Plan and Location Plan; and 13179/01 Proposed Barn Plans as Proposed.
 - 3) The development hereby permitted shall be used for the storage of machinery and equipment or for agricultural purposes only and for no other purpose.

Preliminary Matters and Background

2. The description of development in the decision above is taken from the application form. The original description set out in the banner heading above is lengthy and includes language that is not an act of development. I have therefore abbreviated it for clarity and conciseness.
3. Additionally, reference is made to the use of the proposed barn for the storage of machinery equipment. I note that from the information provided by the appellant, the barn would also be used for agricultural purposes. The Council has therefore had an opportunity to comment on this aspect of the proposal, though it raises no specific concerns in this regard. Nonetheless, a steel framed barn is proposed, and I have therefore considered the appeal on this basis.

4. I have taken the postcode from the appellant's appeal form as that shown in the application form is incorrect.

Main Issues

5. The main issues are (i) whether the site is a suitable location for the proposed development having regard to the provisions of local policy; and (ii) the effect of the proposed development on carbon emissions.

Reasons

Location

6. The appeal site comprises an agricultural field that is bound and screened by established natural vegetation. It is next to the host property and a clustered setting of other properties and farm buildings. The Council refers to the site being located in a hamlet. Adjoining the site are other larger fields that are within the appellant's ownership.
7. At the time of my visit, I did not observe any sheep, horses or other livestock within the wider area. However, the nearby stabling, muck-heap and freshly trodden ground indicate the fields were likely to be actively used by animals. Various farming machinery and associated items, including a small tractor, trailer, plough and wire fencing were within the appeal site.
8. Policy TTV1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) sets out the overarching settlement strategy. This is to focus development on the main towns. In hamlets and the countryside, development is only permitted where it would support the principles of sustainable development set out in policies SPT1 and SPT2 of the JLP, including as provided for in Policy TTV26. Collectively, and amongst other things, the strategic policies focus on jobs and housing. They do however promote a good balance of housing types and a positive sense of place.
9. Policy TTV26 of the JLP has 2 parts. The 1st sets out scenarios where isolated development will be permitted in the countryside. Amongst other things, these, like Policy TTV2 of the JLP, are focussed on new housing or economic development. Even if the appeal site were to be defined as 'isolated', the proposal is not for a home. There is therefore little evidence that this part of the policy and the Bramshill ruling is relevant to the appeal proposal.
10. The 2nd part of the policy applies to all development in the countryside. Paragraph iv. of it says that proposals should '*respond to a proven agricultural, forestry and other occupational need that requires a countryside location*'.
11. There is no dispute between the parties that there are no other buildings that could be used or converted for the required purpose. The Council is however concerned that limited information has been provided as to the scale of existing operations or viability to justify the proposed barn. Given there is no dispute that the proposal does not relate to an existing business, the viability of the scheme is not determinative.
12. In respect of the existing operations, the appellant sets out that the barn would be used to securely store agricultural machinery, animal feed and bedding. Furthermore, they submit that the barn would be used to protect sheep during the winter months. These uses would be reflective of agricultural and

occupational activities. In that context, I have paid regard to the Council's concerns over the scale of the proposal. However, based on the information provided and my own on-site observations, the barn would not be excessively large. It would provide well related, commensurate space for its intended uses in the countryside. For the above reasons, the appeal proposal sufficiently proves an agricultural and occupational need.

13. Therefore, I conclude on this main issue that the site is a suitable location for the proposed development having regard to the provisions of local policy. For the above reasons, the development would not conflict with policies SPT1, SPT2 or TTV26 of the JLP.

Carbon emissions

14. Policy DEV32 of the JLP seeks to half levels of carbon emissions by 2034. In that context, development should identify opportunities to minimise the use of natural resources over its lifetime. Major developments are required to achieve emission levels of 20% less than Part L of the Building Regulations. However, there is no evidence that this would apply to the proposed scheme.
15. My attention has been drawn to the Council's Plymouth and South West Devon Climate Emergency Planning Statement (EPS). Within it, Policy M1 seeks carbon savings of 20% for major and minor developments. This document does not have the force of policy but is nevertheless a material consideration.
16. It has not been shown that 20% carbon savings would be met. However, it is evident that efforts have been made to use recycled aggregate, steelwork and timber, which would contribute towards carbon savings. Additionally, the proposed materials would be locally sourced, and all new timber would be sustainably certified. Nevertheless, unlike a residential property for example, the unheated barn would be likely to have a very limited requirement for natural resources over its lifetime. As such, the proposal would be likely to deliver low carbon development as required by Policy DEV32. For the above reasons, I attach limited weight to the conflict with the EPS. In this respect, it would not represent a material consideration that indicates a decision other than one in accordance with the development plan should be made.
17. Therefore, I conclude on this main issue that the proposed development would not have a harmful effect on carbon emissions. As such, the development would accord with Policy DEV32 of the JLP.

Other Matters

18. Although positioned on greenfield land, the scheme would be nestled at a low point within the field. It would be positioned away from the tree lined, high hedge boundary nearest the road. As such, no additional landscaping would be required. Furthermore, it would be of a typical design and construction. For these reasons, there would be no conflict with policies DEV20 or DEV23 of the JLP.
19. A wildlife trigger form shows that the development would be unlikely to have a harmful effect on biodiversity. Policy DEV26, and in this respect, Policy SPT2 of the JLP seek to protect and enhance biodiversity. Additionally, overall gains in biodiversity can be achieved by the protection of species, habitats and sites. Given the very small scale of the development proposed in the rural

environment, the neutral effect on biodiversity indicates that there would be no demonstrable conflict with these policies.

20. There is a Grade II listed building (Westworthy Farmhouse) near the appeal site and consequently there is a statutory duty to pay special regard to the desirability of preserving its setting. From the evidence before me and my own observations, the building is separated from the appeal site by intervening dense vegetation and a change in topography. Accordingly, the appeal site does not affect its setting. There would be no need to enhance the setting of the listed building.

Conditions

21. In the interests of clarity, I have imposed a plans condition. As the appeal site is in a countryside location, it is necessary to include a condition that defines its use for agriculture, machinery and equipment storage. This is to maintain effective control over the use of the barn.
22. The Council says that foul drainage is proposed to drain to a cess pit. However, there is no evidence that this forms part of the appeal proposal. The submissions show the site is not prone to flooding. Therefore, it would not be necessary to include a suitably worded drainage condition.

Conclusion

23. For the reasons given above the appeal should be allowed.

J Hills

INSPECTOR