



Appeal Decision

Site visit made on 28 May 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/Q1153/W/23/3331815

Higher Wilminstone Farm, Wilminstone, Tavistock PL19 0JT

- 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 and Mrs T and D Faircloth against the decision of West Devon Borough Council.
 - The application Ref is 0033/23/FUL.
 - The development proposed is the change of use of agricultural barn to form storage unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. Although West Devon Borough Council has given four reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify three main issues.
3. The main issues in this appeal are:
 - Whether or not the proposed development would be in a suitable location having regard to Local Planning Policy and the effect of the proposed development on agricultural operations,
 - The effect of the proposed development on the living conditions of occupiers of neighbouring properties; and,
 - Whether or not the proposed development would meet the carbon reduction requirements of the development plan.

Reasons

Location of Proposed Development and the effect on Agricultural Operations

4. The appeal building is a substantially scaled agricultural barn, located outside of Tavistock. The site is accessed by a trackway which passes by a number of other agricultural and residential buildings.
5. Policy TTV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the JLP) provides details of the distribution of development across the area based on a hierarchy of sustainable settlements. The appeal site would fall within category four – which includes the countryside, where Policy TTV1 of the JLP provides that development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable

communities in accordance with Policies SPT1 and SPT2 of the JLP, including as provided for in Policy TTV26 of the JLP. Policy TTV2 of the JLP indicates that specific objectives of rural sustainability include the delivery of, amongst other things, the growth and expansion of rural businesses and enterprise.

6. Policy TTV26 of the JLP which concerns development in the countryside is of direct relevance to the appeal proposal given the location of the appeal site outside of Tavistock and within the countryside. Amongst other matters, Policy TTV26 of the JLP provides that development proposals should, where appropriate, *"respond to a proven agricultural, forestry and other occupational need that requires a countryside location"*, *"be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses"*, and *"avoid the use of Best and Most Versatile Agricultural Land"*.
7. The evidence before me confirms that the appeal building was granted retrospective consent by reason of being in a different location for a previously approved agricultural barn. The proposal seeks the change of use of the agricultural barn to storage, with the Use Class being stipulated within the planning application as being: B8 - Storage and Distribution.
8. Turning first to the effect of the development on agricultural operations, as above, Policy TTV26 of the JLP provides that proposals should not prejudice any viable agricultural operations and should avoid use of best and most versatile agricultural land. In this instance, it is noted that the appeal building was recently granted approval and, given that the appeal proposal would not result in the expansion or enlargement of the appeal building, there would be no loss of any grade of agricultural land when compared to the existing lawful development at this location.
9. Notwithstanding that position, in terms of the effect of the proposal on agricultural operations the information before me is extremely limited. Whilst I acknowledge the Appellant's submissions regarding changes in the amount of land which comprises the holding since the date at which the existing agricultural barn was granted approval, the details provided are general in nature. In that respect, I note the submission that land at Lamerton is "no longer available" but details of why that is the case, for example evidence of change of ownership, has not been presented. Furthermore, beyond a general statement that the farm is not viable, I have not been provided with any evidence to support that contention. I also do not agree that planning permission for a modest stable building located close to the site, demonstrates that there would be no adverse impact on agricultural operations as a result of changing the use of the appeal building.
10. Policy DEV15 of the JLP concerns the rural economy and provides support for proposals in suitable locations and which seek to improve the balance of jobs within rural areas and diversify the rural economy. Amongst other things, Policy DEV15 of the JLP specifically provides that *"appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment"*, and that *"support will be given to the reuse of suitable buildings for employment purposes"*.
11. In those regards, the proposal would reuse an existing building. Furthermore, there is nothing before me to suggest that the change in use of the building

would be harmful to the environment and, for reasons given below, the proposal would have no adverse residual impacts on neighbouring uses. As such there are elements of Policy DEV15 of the JLP that could provide support for the proposal.

12. However, as described above, Policy TTV26 of the JLP also requires that proposals should respond to a proven need that requires a countryside location. In this respect, the details and information before me is again very limited.
13. It is noted that the appeal building is located away from main highways and is accessed via a single track highway between buildings where large vehicles would find it hard to manoeuvre. There is no substantive details or evidence to demonstrate that there is a proven need for such storage use within this countryside location. I acknowledge the Appellant's submissions regarding previous approval of storage use on a site adjacent to the appeal site which was not constructed and for which permission is no longer extant. However, I have no information that that development sought to respond to a proven or identified need to be located within the countryside. Whilst I do give weight, albeit limited weight, to that previous approval in the determination of this appeal, in my view such an approval does not demonstrate a proven need for the present appeal scheme to be situated within this countryside location.
14. In summary of the above, whilst the appeal scheme may draw some support from elements of Policy DEV15 of the JLP and would not result in the loss of best or most versatile agricultural land, there is insufficient evidence before me to demonstrate a need for the proposal to be situated in this countryside location, nor sufficient information that the proposed development would not have an adverse impact on agricultural operations. The scheme would, therefore, conflict with provisions of Policies TTV1, TTV2 and TTV26 of the JLP.

Living Conditions

15. Policies DEV1 and DEV2 of the JLP together seek to ensure that development provides satisfactory living conditions for existing residents in terms of light, outlook and privacy, and that harmful impacts from noise and disturbance be avoided.
16. In these respects, by reason of the separation distance and presence of intervening features between the appeal building and nearby residential dwellings, I do not find that the scheme would adversely affect the living conditions of residents with regards to loss of light, loss of outlook or loss of privacy.
17. I acknowledge the Council's concerns that there is little information provided regarding what the likely day to day activities and operations at the site would be, and that vehicle movements to and from the site may, dependent upon frequency, result in unacceptable levels of noise and disturbance. However, access to the site is somewhat constrained by the narrow trackway past Higher Wilminstone Farm, and it is unlikely that there would be significant levels of vehicle movements in respect of the proposed use. Planning conditions could be applied to any permission that restricted use to certain hours of operation.
18. Consequently, subject to the imposition of planning conditions, I do not find that the appeal scheme would have an adverse effect on the living conditions of existing residents in terms of noise, disturbance, loss of light, loss of outlook

nor loss of privacy. As such, the scheme would not conflict with the requirements of Policies DEV1 and DEV2 of the JLP, and would accord with the requirements of the National Planning Policy Framework (December 2023) in that regard.

Carbon Reduction

19. Policy DEV32 of the JLP seeks to ensure that delivering low carbon development should form part of the design and implementation of all schemes.
20. A Climate Emergency Compliance Form was provided in support of the application, but which only included extremely limited information. Nonetheless, the proposal would make use of the fabric of an existing building without further alteration or extension. Furthermore, during the appeal a plan was provided which shows the position of solar panels which it is proposed would be installed on the roof of the appeal building. I note the concern that the solar panel details were not set out at an earlier stage by the Appellant. However, in light of these matters and in this specific instance, whilst the information provided is brief in nature, I am satisfied that the submission of further required details could be secured by means of a pre-commencement planning condition. I therefore find that the proposed change of use would not conflict with the aims or provisions of Policy DEV32 of the JLP.

Balance and Conclusion

21. I acknowledge that the scheme would reuse an existing building and may provide some economic benefits in terms of employment. However, I have not been provided with any details of likely levels of employment that could be generated from the use of the building for storage and, as such, I attach only limited weight to the potential economic benefits of the proposal. In my view, the limited weight to be attached to those benefits would not outweigh the harm identified above and the resultant conflict with the policies of the development plan when taken as a whole, to which I attach significant weight in the determination of this appeal.
22. For the reasons given above the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR