



Appeal Decision

Site visit made on 4 June 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/P1133/W/23/3331634

land at NGR 290810, 090383, Ide EX2 9FB

- 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 Alderson of 4MATION (SW) Ltd against the decision of Teignbridge District Council.
 - The application Ref is 22/00826/FUL.
 - The development proposed is formation of a yard for the storage of machinery and construction materials and the siting of 14 secure storage containers and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development has commenced, and I was able to see this during my site visit. The number and location of the storage units on site do not appear to match those shown on the plans. However, I have determined the appeal on the basis of the submitted plans and the description of development as it was proposed to the Council. As 'retrospective' is not a form of development, I have omitted this from the description of development above for the purposes of this appeal.
3. I have been provided with two versions of the boundary of the 'Ide Gateway Enhancement Area' designated by Policy IDE07 of the Ide Neighbourhood Plan 2016-2033 (INP). I have referred to the version in the 'made' INP, which includes Crabbe Lane up to the underpass of the A30, and the whole of the appeal site within the designated area.

Main Issue

4. The main issue is the suitability of the location for the development, with particular regard to the character and appearance of the Area of Great Landscape Value (AGLV).

Reasons

5. The appeal site is agricultural land in the countryside, which occupies the north-west corner of a parcel of land enclosed by the A30 to the north and east, and Ide Village Road to the south and west. It is accessed off Crabbe Lane, which forms an informal (non-vehicular) route into Exeter. Despite its proximity to the A30, it occupies a rural location within an AGLV.

6. The Teignbridge Local Plan 2013-2033 (TLP) is supportive of B8 uses (storage and distribution) in principle. As the appeal site is located outside of any defined settlement limits, it is in the open countryside for the purposes of planning policy, and Policies EC3 and S22 of the TLP apply. Policy EC3 relates to rural employment, setting a series of criteria in which storage and distribution uses in the open countryside will be acceptable. These include extensions or expansions of an existing business or employment site. Although the appellant suggests that the development would support the ongoing operation of an existing business, the evidence indicates that the existing use of the land is agricultural, and it is not therefore an existing business or employment site. Accordingly, the development would not meet the requirements of Policy EC3.
7. Notwithstanding the above conflict, while not mentioned in the Council's decision notice, Policy S22 of the TLP, under criterion b), supports, amongst others, industry, business, and warehousing uses in the countryside. The Council is content that the B8 storage use of the site would have a similar nature to that of warehousing, and I see no reason to disagree. As such, the development would meet the above criterion of Policy S22 and would be acceptable, in principle, in the countryside. Nevertheless, compliance with Policy S22 is dependent on the scheme meeting a number of other requirements. Criterion a) relates to the effect of the development on the character and appearance of the area, in this case an AGLV.

Character and appearance

8. Although the site lies close to the A30 and the junction at Alphington, the surrounding landscape is not significantly affected by associated highway infrastructure. Indeed, the open sloping fields bound by substantial hedgerows result in an attractive and verdant rural character surrounding the dual carriageway, reflective of its AGLV designation. Visible development on the southern side of the A30 is primarily agricultural in character, or associated with small rural settlements. While some development features locally may include storage or other commercial uses, they maintain the character and overall appearance of agricultural uses, and do not disrupt the rural character of the countryside.
9. The development present on the site does not maintain an agricultural character. Despite being relatively low-level, when grouped together, the containers are collectively a significant utilitarian feature. Alongside the large material heaps and machinery, the site presents an industrial appearance of a scale and character that is inconsistent with the agricultural and verdant feel of the surroundings. This is harmful to the character of the area. I observed on site that there may be more containers present than the 14 applied for. Nevertheless, even as a single row of 14 units, the containers would collectively form an uncharacteristic and obtrusive feature.
10. While there is some vegetative screening in views from the elevated land north of Alphin Brook and from the high ground around Ide Village, such screening would not be present year-round, and the elevated landscape would facilitate views of the site during times of leaf fall. There are also relatively prolonged views of the appeal site on the southern approach from the A30, in which material storage in the southern site area is clearly visible. In addition, the containers are readily visible in both directions on the dual carriageway, and on

the entry and exit slip roads to the nearby junction. Despite the 70mph speed limit and attention of drivers, the development forms a notable and discordant feature in the landscape.

11. The appellant has indicated that a bund and additional planting would provide screening of the development from the A30. Few details of the future landscaping have been provided, though bunding is generally an intrusive engineered feature in a landscape setting, and a narrow strip of planting to its top as indicated would not secure a robust vegetative screen. Moreover, planting would take time to establish, and would not typically provide screening year-round. On the A30 approach from the south, the open southern boundary of the site allows views into the storage area. While additional landscaping could be secured in this area, the plans show material heaps close to the boundary, limiting space for any meaningful landscaping in this location. As such, a landscape condition would not be sufficient to secure effective mitigation for the harm to the character and appearance of the area.
12. At a local level, the entrance to the site is a notable feature on Crabbe Lane. Tall security gates and fencing perpetuate the industrial character of the development. Although limited details are provided, the intention to widen the access would necessitate the removal of banks and vegetation, opening up views into the site, as well as increasing the amount of security infrastructure present.
13. Crabbe Lane and the site area lie within the 'Ide Gateway Enhancement Area' designated by Policy IDE07 of the INP. This policy recognises the importance of the countryside approaches to the village of Ide to maintaining its rural character, and the clear change from town to country upon leaving the Alphington junction of the A30. The development would harmfully intensify the presence of industry in this locally important gateway area, resulting in detriment to its rural character. Notwithstanding the absence of harm in relation to the other criteria of this policy, the entrance way to the site would conflict with criterion iii, which seeks to avoid entrance ways inappropriate to the rural setting.
14. Accordingly, I conclude that the development would have an unacceptable effect on the character and appearance of the area. It would therefore conflict with Policies S1, S2, S22, and EN2A of the TLP, and Policy IDE07 of the INP. Taken together, amongst other matters, these policies seek the maintenance or enhancement of the character and appearance of affected landscapes; seeking to maintain landscape quality, and minimise adverse visual impacts through high quality building and landscape design. In addition, the development would not be supported by Policy EC3, which supports storage and distribution uses in open countryside in particular circumstances.
15. Although Policy EN2A seeks, in particular, to conserve and enhance landscape character in AGLVs, the policy applies across the area's landscapes, and is based on a case-by-case assessment of the qualities and character of the locality. With regard to my findings above, the development would conflict with this policy, regardless of the weight afforded to the 'blanket' AGLV designation.

Other Matters

16. I understand that the appeal site has previously been used as a temporary storage area for equipment and materials by the Highway Authority. However,

the evidence indicates that this temporary use has not altered the agricultural use of the land. Accordingly, this past use has not altered my overall conclusions in respect of the main issue.

17. The appellant has suggested that without the development, the appeal site would become derelict and vacant. However, there is little evidence to demonstrate that this is a greater than theoretical possibility. Even if the site were to become derelict, I am not persuaded that a lack of maintenance or the encroachment of scrub on vacant agricultural land would detract substantially from the rural character of the area. As a consequence, this suggestion carries little weight in the determination of the appeal.
18. The Council has an emerging Local Plan, which includes an allocation for development (emerging Policy EE1) close to the appeal site. The Council has confirmed that the Teignbridge Local Plan 2020-2040 was submitted for examination in March 2024, and that no hearings have yet taken place. While draft policy EE1 may indicate a future direction of travel in this location, it is not possible to be certain what form any development or landscape mitigation may take prior to the examination of the plan, and consequently what effect it may have on the rural character of the area. There may also be unknown implications over the intensification of use of routes such as Crabbe Lane, which links this area to Exeter. Accordingly, the emerging Teignbridge Local Plan has not reached a sufficiently advanced stage in its preparation for it to attract weight for the purposes of the determination of this appeal.
19. The appeal site is located within the catchment area for the Exe Estuary, which is designated as a Ramsar site and a Special Area of Conservation. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. Regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the development. As I have found the scheme to be unacceptable for other reasons, it has not been necessary to consider this matter in any further detail.
20. I acknowledge the appellant's frustration with the way in which the Council has handled and determined the application. However, this does not have a bearing on my consideration of the appeal, which I have determined on its own merits.

Planning Balance

21. Subject to conditions, the Council raised no objections in terms of flood risk, highway safety, biodiversity, or residential amenity, and I see no reason to reach a different conclusion. The storage use would also be acceptable, in principle, in this location under Policy S22 of the TLP. However, the absence of harm in respect of these matters is neutral, weighing neither for nor against the development.
22. I have found that the development would conflict with development plan policies relating to character and appearance. On that basis, although the development may not conflict with other policies of the development plan, it would conflict with the development plan as a whole. This is the statutory starting point for decision making, and the National Planning Policy Framework (the Framework) states that where an application conflicts with an up-to-date development plan, permission should not usually be granted.

23. Paragraph 85 of the Framework sets out that decisions should help create the conditions in which businesses can invest, expand and adapt. It also places significant weight on the need to support economic growth and productivity. Paragraph 89 goes on to say that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements. However, it also says that in these circumstances it will be important to ensure that development is sensitive to its surroundings.
24. The site is well-related to the main highway network, and this has evident benefits in terms of ease of access. However, although the appellant has highlighted the complex nature of the business and the key demographic of the client base in this rural area, there is little substantive evidence before me to demonstrate that the need for the storage could not be met elsewhere, at sites within or better related to settlements, and which would better reflect their surroundings.
25. Even so, the economic benefits of the scheme carry considerable weight. The development would provide a facility for an established ground works contractor in an accessible location. The potential for biodiversity enhancements through boundary planting also attracts moderate weight. However, these benefits do not overcome the significant weight I attribute to the conflict with the development plan. As such, there are no other considerations, including the Framework, that would justify setting aside the development plan in this case.

Conclusion

26. Taking all of the above into account, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR