



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: 14th August 2024

Appeal Ref: APP/J9497/W/23/333382

Land at Swinedown, Near Manaton, Newton Abbot TQ13 9XQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Perryman against the decision of Dartmoor National Park Authority.
 - The application Ref is 0261/22.
 - The development proposed is an agricultural storage building to provide covered storage for hay, straw, and machinery at Swinedown measuring 75' x 45' to match existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants' Design and Access Statement refers to the application taking the form of a full planning application. However, the submitted application form is for an application to determine if prior approval is required. Accordingly, the Authority has registered, advertised, and determined the proposal as an application for prior approval, and I have determined the appeal on the same basis.

Background and Main Issue

3. Schedule 2, Part 6, Class A of the General Permitted Development Order 2015 (the GPDO) permits the erection of a building, which is reasonably necessary for the purposes of agriculture, on agricultural land comprised in an agricultural unit of 5 hectares or more. For the appeal proposal, the parties agree that these requirements are met, and I have no reason to take a different view. It is therefore not necessary to consider any further arguments regarding the functional need of the building. However, to be permitted under Part 6, Class A of the GPDO, the development must also accord with further limitations and conditions set out in paragraphs A.1 and A.2 of Part 6.
4. In this case, there is no dispute that the proposal complies with the requirements in paragraph A.1, and I see no reason to reach a different conclusion. Under A.2(2)(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design, and external appearance of the building, amongst other matters as the

case may be. This application was made and subsequently refused having regard to condition (2)(i).

5. The Authority has referred to policies within its development plan in its decision. There is no statutory obligation to decide a prior approval appeal on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Nevertheless, I have had regard to the development plan insofar as it relates to the main issue.
6. The Authority has also referred to the National Planning Policy Framework in its decision, along with The English National Parks and the Broads UK Government Vision and Circular 2010, although no particular areas of conflict have been identified. However, there is no specific provision within Part 6, Class A of the GPDO for regard to be had to the Framework or any other guidance documents. Accordingly, I have restricted my considerations to those outlined in this part of the GPDO.
7. The main issue in this appeal is therefore whether the proposed development would be permitted development under Article 3(1), Schedule 2, Part 6, Class A of the GPDO, having regard to matters of siting, design and external appearance.

Reasons

8. The appeal site lies within the Dartmoor National Park (DNP), in an area of agricultural fields between Hayne Down, Cripdon Down, and Houndtor Down. The character of the area is defined by its open moorland location, with a remote, exposed, and wild character; distinctive of the upland moors. Boundary treatments around fields and bordering roads are typically formed by dry stone walls and gorse-dominated hedgebanks, with weather-stunted trees forming infrequent and distinctive features. More substantial vegetation is present to the east of the site associated with a residential dwelling and a small tributary valley landform.
9. Although the proposed barn would be closely associated with an existing building of comparable scale and materials, the proposal would add substantial additional modern built form to the site. Representing the larger scale of contemporary agriculture, the proposal would form an intrusive feature in the landscape, detrimental to its wild, remote, and exposed character, and to the visual quality of the DNP.
10. Existing vegetation and topography offer some screening of the appeal site, however the broadly open landscape of the moor allows several clear views of the existing building, and by extension, the adjacent proposal. The proposed building would be visible from Hound Tor and its surrounding access land as part of a wide and striking panoramic view. It would also be highly prominent from the adjacent road approach from the north, along with areas of access land on Hayne Down and Cripdon Down. In closer views, the existing building is prominent on the skyline, and the new building would add considerable built form into a similar prominent position, elevated above the adjacent road level.
11. The appellants have suggested that additional planting would provide screening of the development. Few details of possible landscaping have been provided, though dense tree screening would not be characteristic of the open moorland landscape, nor would it reflect locally characteristic boundary treatments of dry

stone walls and hedgebanks. The plans also indicate that the building would lie immediately adjacent to the existing roadside boundary, limiting space for any meaningful landscaping in this location.

12. The siting and design of the proposal would enable a move away from the use of plastic covered silage at the site, and allow internal equipment storage. This would offer visual enhancement through removing temporary plastic and other features from the landscape. There would also be associated environmental benefits associated with a reduction in plastic use at the holding. However, these relatively small scale and transient benefits associated with storage and seasonal plastic use would not justify the enduring harm to the landscape character and visual quality of the DNP.
13. I also acknowledge that this location would be at a low risk of flooding with no harm to drainage or pollution, that there would be no additional lighting introduced, no increase in livestock numbers, and no additional traffic generated. I was also able to observe that the relatively level site would not require significant earthworks to accommodate the barn.
14. Nevertheless, while recognising the practical considerations regarding the location of the building, the siting of the proposed development would appear unduly prominent when viewed from surrounding land, including access land, public highways, and public rights of way. In terms of the design and external appearance of the building, it would match the existing barn on site and would represent a sensitive palette of materials for a modern agricultural barn. However, the large scale and modern appearance of the structure would nonetheless form a prominent and uncharacteristic feature in the landscape, unacceptably harming the landscape character and visual qualities of the DNP.
15. I therefore conclude that the siting, design, and external appearance of the proposed development would conflict with Strategic Policy 1.1, Strategic Policy 1.2, Strategic Policy 1.5, Strategic Policy 2.1, and Policy 5.8 of the Dartmoor Local Plan 2018 - 2036. Together, amongst other matters, these policies seek to ensure that development conserves and enhances the natural beauty, character, and quality of the DNP; ensuring good design in respect of the development's scale and massing, respecting the sense of remoteness of the DNP, and avoiding unsympathetic development that will harm the landscape.
16. Accordingly, the proposed development would not be permitted development under Article 3(1), Schedule 2, Part 6, Class A of the GPDO, having regard to matters of siting, design and external appearance.

Other Matters

17. The proposal would support the farming operation, which through grazing makes an important contribution to DNPs landscape, cultural heritage, and biodiversity. It would also allow greater flexibility in meeting the requirements of national policy regarding the winter housing of livestock. I also note that the development may open up funding opportunities for the appellants, and that various policies and strategies of the development plan seek to support the needs of farming along with the social and economic interests of those who live within DNP. Indeed, agricultural permitted development rights are one such tool to enable these objectives. Nevertheless, this appeal decision must be taken in accordance with the requirements of the GPDO which limits my considerations to the main issue outlined above.

18. The local Parish Council has not objected to the principle of the proposal, however it has raised concerns regarding the siting and resulting visual impact of the development. Accordingly, while I have had regard to this 'in principle' support, this has not altered my overall conclusions on the appeal.
19. The appeal site is close to a Scheduled Monument at Hayne Down¹, the significance of which is derived from the prehistoric stone hut circle settlement and associated field system with pronounced lynchets. However, as the appeal is being dismissed for other reasons, there would be no change to the setting of this heritage asset.
20. The appellants have also highlighted other agricultural buildings being visible in the landscape. However, I have limited evidence and detail of these, and observed on my site visit a notable absence of large-scale agricultural barns in the open moorland landscape. The circumstances in each case are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development.
21. Concerns regarding the manner in which the application was considered by the Authority fall outside the scope of this decision.

Conclusion

22. For the reasons given above the appeal should be dismissed.

K Jones

INSPECTOR

¹ List Entry Number: 1002497