



Appeal Decision

Site visit made on 30 July 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/J9497/W/23/3330816

Endswell, Ausewell Common, Ashburton TQ13 7HG

- 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 Collins against the decision of Dartmoor National Park Authority.
 - The application Ref is 0029/23.
 - The development proposed is erection of timber frame building for agricultural and equestrian use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in respect of this appeal is the effect of the proposal on the character and appearance of Dartmoor National Park.

Reasons

3. The appeal relates to the erection of an 'L-shaped' timber building with a grey box-profile roof. Used to store hay, machinery and equipment and as an animal shelter with storage of associated feed, medication and equipment, the building would be sited in the southern corner of an existing area, levelled for use as a sand school since the 1980's. The Authority does not raise any particular issue with the design of the building and from all that I have seen and read, there is no reason for me to reach a different view.
4. The appeal site is located on elevated land with the surrounding land continuing to rise to the north. There are existing trees and planting along the northern boundary and a small group of trees on the southern boundary. The sand school is enclosed by a timber post and rail fence and accessed via the adjacent field, also in the control of the appellants.
5. The National Parks and Access to the Countryside Act 1949 (the Act) requires that I have regard to the purposes of the National Park designation. National Parks have two purposes: conserving and enhancing the natural beauty, wildlife and cultural heritage of the area; and promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
6. This is also set out in Strategic Policies 1.1, 1.2, 1.5 and 2.1 of the Dartmoor Local Plan 2018-2036 adopted December 2021 (LP) which seek to deliver National Park purposes and protect Dartmoor's special qualities including the character of the Dartmoor landscape.

7. The appeal site lies within the 3A Upper farmed and wooded valley slopes landscape character type in the LCA¹. It is described as a rolling landscape with a strong mosaic of pastoral fields enclosed by a rich hedgerow network with hedgerow trees and patches of woodland creating a well-treed character. It also describes it as an intimate landscape with occasional framed views to the wider landscape. This is consistent with what I saw.
8. Policies 5.8 and 5.10 of the LP permit new agricultural and equestrian buildings where they are clustered with existing building groups, and in the case of equestrian buildings, are not isolated. There are other buildings located along the access track approaching the appeal site and the appellants have provided ariel photographs which show other buildings in the locality. However, none of these are apparent in the landscape from the appeal site. I therefore do not share the view of the appellants that there is a degree of visual relationship between the proposed building with other rural and domestic buildings in the wider landscape. The building is visually and spatially remote from other buildings and therefore would be isolated.
9. From the elevated appeal site, there are far ranging views out, including those across to wild moorland. The undulating and well-treed character of the area means that views back towards the building would be long range. The proposed building would not protrude above or break skyline and with some additional planting, the visual impact of the appeal proposal could be reduced. However this does not mean that the proposal would conserve the natural beauty of the NP. The LCA points to the gradual encroachment of equine development into the landscape and the need to avoid locating development on prominent slopes. The erection of an isolated building in the NP would not reinforce the sparse settlement pattern of the area consisting of small hamlets, villages and isolated farmsteads as the appellants say. Rather, it would be an uncharacteristic intrusion in the Dartmoor landscape. Accordingly, it would not conserve or enhance the landscape and scenic beauty of the National Park.
10. The appellants plan to develop a species-rich hay meadow and orchard. Amongst other things they intend to improve, repair and maintain the hedge banks; remove gorse, bracken and brambles; plant native species; and improve the permaculture of the soil to help capture carbon and reduce water run-off. Together, they say, this would lead to improved ecosystems and biodiversity in the wider area.
11. The proposed building would ensure that machinery and equipment needed to undertake this could be stored in the dry; the hay produced on site could be appropriately stored, reducing the need to bring feed in; horse manure could be collected and spread over the hay meadow; and it would enable them to bring on a flock of sheep. The building itself would incorporate rainwater harvesting and solar panels and due to its location on previously engineered ground, its construction would require only minimal earthworks which could be reversed if the building was no longer required.
12. The appellants also say that they have tidied up the land since purchasing it but currently need to store hay under a makeshift shelter which is impractical and poses health and safety risks.

¹ A landscape Character Assessment for Dartmoor National Park April 2017 (LCA)

13. Drawing this together, I have had regard to Paragraph 182 of the National Planning Policy Framework (the Framework) which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight.
14. I have had regard to the mitigation proposals advanced by the appellants in terms of additional landscaping and also their land management objectives. I have no doubt that the appellants' ambitions for the site would enrich local ecology and have biodiversity benefits. However, the overall benefits have not been quantified and neither can I be certain that they would materialise.
15. For these reasons, the benefits to conservation and wildlife do not outweigh the great weight I give to conserving and enhancing landscape and scenic beauty in the National Park. I have concluded that the proposed building would not conserve the landscape and scenic beauty of the National Park. The proposal would be contrary to Strategic Policies 1.1, 1.2, 1.5 and 2.1 of the LP insofar as they support the statutory purpose of designating a National Park and the need to conserve and enhance the natural beauty of the area. The proposal would also be contrary to Policies 5.8 and 5.10 of the LP which seek to cluster new buildings within existing building groups.

Other Matters

16. My attention has been drawn to an appeal decision². Paragraph 4 records that there were clusters of rural buildings visible from the site and paragraph 8 sets out the visual relationship between the site and other rural and domestic buildings in the wider landscape. It seems to me that the circumstances surrounding that appeal are very different to those before me for the reasons set out above. Therefore, I have given this limited weight.
17. I understand that the appellants were unable to obtain pre-application advice from the Authority and they also refer to the manner in which the Authority determined the planning application. Whilst I understand their frustration, these are not matters for this appeal.
18. Whether or not the appeal building could be located elsewhere on land in the appellants control is also not a matter for this appeal as I must deal with the proposal before me. I note that the application had the support of the town council and no objections were received but this does not alter my findings in respect of the main issue.

Conclusion

19. The proposed development is contrary to the development plan, the Framework and the Act and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR

² Appeal Ref: APP/J9497/W/20/3264167 Field No 8271 to the South of Teign Village, Newton Abbot, Devon