

Appeal Decision

Site visit made on 17 September 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/K1128/W/24/3342985

**Wash House, Wash Cross to Bumpston Cross, Buckfastleigh, Devon
TQ11 0LD**

- 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 Richard Hanlon against the decision of South Hams District Council.
 - The application Ref is 1690/23/FUL.
 - The development proposed is described as "*retrospective permission for erection of agricultural storage building replacing a previous shed on the site. It will be used as a storage building. It is a sectional secondhand building constructed of timber with a felt roof and sits on timber supports. It has no foundations. There is no water or electricity available to the site and there is no vehicular access. The only access is via a pedestrian gate adjacent to our house. This site was purchased at the same time as we purchased our house adjacent over 30 years ago and was included in the original sale and land registry.*"
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. This is unnecessarily lengthy and includes wording that is not an act of development. It does however propose an agricultural storage building. I have determined the appeal on that basis.
3. The application form states that work began in May 2021 and at the time of my visit I saw that the external works to the appeal building were complete. It is noted that the application has been dealt with retrospectively. I have dealt with the appeal on that basis.
4. There is dispute between the parties as to the status of the land within which the appeal building lies. However, it is not appropriate for me to determine the lawfulness or otherwise of the land. This can only be formally determined by a lawful certificate application.

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 development on the character and appearance of the area.

Reasons

Location

6. 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, such as the appeal site location, development is only permitted where it would support the principles of sustainable development, including as provided for in Policy TTV26 of the JLP. This policy says, in part, that proposals should '*respond to a proven agricultural, forestry and other occupational need that requires a countryside location*'. It also aims to ensure developments enhance the immediate setting of the site. I shall return to this later.
7. The appellant says that the appeal site is used as an orchard. They have plans to introduce fruit trees and a vegetable garden. Additionally, it is claimed that the building, which has purposely been kept empty, is required for the storage of tools, produce, compost, and garden equipment. However, I have been provided with very little information in respect of the scale and nature of existing or future requirements.
8. Aside from the odd apple tree, the appeal site did not appear to be actively farmed or used for an occupational purpose. Even if it was, the current requirements for tending to the land would be likely to be extremely limited. While future activity of the type suggested by the appellant could generate some very modest storage requirements, it has not been shown that the scale and form of the appeal building is proportionate. In these circumstances, an appropriately worded condition to control the use of the appeal building could not make the development acceptable in planning terms.
9. Therefore, I conclude on this main issue that the site is not a suitable location for the proposed development having regard to the provisions of local policy. For the above reasons, the development conflicts with policies TTV1 and TTV26 of the JLP.

Character and appearance

10. The appeal site is within a rural area characterised by its tranquil, rolling landscape setting near a cluster of properties. It comprises a small parcel of rising land that is separated from the host property by an intervening country lane. It is overgrown with rough grass, brambles, and a small number of trees.
11. The appellant says that the appeal building is temporary and has no foundations. Even so, it is of timber construction with the appearance of a large domestic summerhouse. Furthermore, regardless of its construction, its effect on the landscape would be permanent if the appeal were to be allowed. While the tall boundary hedges and trees provide some screening, it is located in a prominent, level spot at the very top of the site.
12. In that context, it is understood a former building once stood here, though I have assessed the proposal in its present-day sense. The appellant says that they plan to replace the windows with solid wood, though this is not shown on the plans. Despite its relatively small scale and partial screening behind a nearby tree, its prominence is exaggerated by its overtly domestic

appearance. Consequently, the eye is drawn to it as an unusual feature in the landscape. Additionally, this experience would be likely to be amplified during the winter months when some trees are without leaf. As such, the development does not help enhance the immediate setting of the site as required by Policy TTV26 of the JLP.

13. Therefore, I conclude on this main issue that the development has a harmful effect on the character and appearance of the area. For the reasons given, it conflicts with policies DEV23 and TTV26 of the JLP, which, amongst other things, say that development proposals will conserve and enhance landscape character and should be located and designed to respect scenic quality.

Conclusion

14. The appellant has gone some way towards demonstrating that very small scale agricultural storage could be required. However, the evidence does not provide any compelling justification to overcome the harm I have found to the conflict with the overarching settlement strategy and policies that seek to preserve and enhance the character and appearance of the area. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development fails to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR