



Appeal Decision

Site visit made on 27 September 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/K1128/W/24/3346155

Land at Sx 760 529, Back Road, Moreleigh, Totnes TQ9 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Hallett against the decision of South Hams District Council.
 - The application Ref: 3789/23/FUL.
 - The proposed development is for the erection of agricultural building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not there is a proven need for the development that would justify its isolated location in the countryside, (ii) the effect of the proposal on the character and appearance of the area, and (iii) whether or not the proposal can deliver a satisfactory low carbon design.

Reasons

The need for the development

3. The appeal site is a triangular shaped field located in open countryside with access from Back Road. The site slopes away to the north from a high point in the landscape which provides panoramic views across to Dartmoor. The site is bounded by mature hedgerows. A small section of the field is being used by the appellant to grow vegetables and other produce as part of an agricultural use of the land. Machinery, produce and other equipment are being stored on the site under a covered area bookended by shipping containers located near to the entrance. There are also several smaller wooden structures and items on the site near to the covered area and access.
4. The proposal is to erect a barn to provide a secure storage facility for the produce that is grown on the land, as well as for equipment currently accommodated by the shipping containers and other structures. A yard area would also be provided adjacent to the barn to provide access to the building.
5. I agree with the Council that Policies TTV1, TTV2, SPT2 and DEV15 of the Plymouth and Devon Joint Local Plan 2014-2034 (JLP) are relevant to this appeal. These policies provide the overarching framework for the consideration

- of sustainable development in the district including providing support for the rural economy alongside other key objectives such as protecting natural assets and the best and most versatile agricultural land.
6. Policy TTV26 is, however, of particular relevance as it sets out in two parts the approach to managing development in the countryside. TTV26 (1) establishes that isolated development in the countryside will be avoided and only permitted in exceptional circumstances. The appeal proposal does not comply with the exceptional circumstances listed, albeit I note these are not presented as an exhaustive list.
 7. TTV26 (2) then goes on to establish that development in the countryside, amongst other matters should be complementary to and not prejudice any viable agricultural operations on a farm, respond to a proven agricultural need that requires a countryside location, avoid the use of Best and Most Versatile Agricultural Land and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.
 8. In assessing compliance with TTV26 (2), I noted on my site inspection that agricultural operations are evidently taking place through the growing of produce, albeit only on a very small section of the site. I have reviewed the information provided by the appellant, which sets out that they are a new business seeking the opportunity to grow. Information provided in the planning application and the appeal identify that the appellant has a long-term plan to develop and expand an environmentally sustainable business on the land, which requires the proposed building to provide safe and secure storage for machinery and produce.
 9. Whilst I acknowledge these clearly laudable intentions, it is not unreasonable for the Council to require a business plan or related information that adequately demonstrates that the proposal is needed to support a viable agricultural operation in a location where development is normally restricted. Examples of the evidence that could help demonstrate this would be the current and anticipated levels of hay, vegetable and other agricultural products produced and harvested from the land, as well as details of existing and predicted running costs and turnover. None of this information has been provided meaning it is not possible to determine if the existing or future operation at the site is viable and whether it supports the need for the size of building proposed.
 10. Nor has any substantive evidence been provided to confirm what equipment is required to support the operation and how it relates to the size of the building proposed. Whilst the appellant has offered to provide a confidential list of equipment if requested, such information would usually be provided in the planning application submission.
 11. I further note that the appellant considers that that they perhaps own more equipment than is needed for the agricultural operation at the site to help reduce reliance on contractors. I viewed a range of equipment on my site visit. The relevance of this point is not clearly explained, nor does it provide any objective justification for the size of the proposed barn related to a viable agricultural operation. It does, however, further highlight that there is lack of suitable evidence and information before me to adequately demonstrate the

viability of the agricultural operation and how it requires the size of the building proposed.

12. Moreover, the application is not supported by a management plan or exit strategy as required by Policy TTV26. I accept in part the appellant's response that the proposal would result in the removal of the various somewhat unsightly structures and temporary shelter. Whilst I agree this would be beneficial, it does not of itself confirm the acceptability of the proposed barn, which will have its own specific impacts that are required to be addressed by a management plan and exit strategy to ensure the longer-term quality of the landscape is not adversely affected.
13. Whilst I am not satisfied that the case has been made to demonstrate the need for the size of the development proposed, I am not persuaded that the proposal would have a materially harmful impact on best and most versatile agricultural land. This is due to only a small section of the whole site being needed for the building in a location that is logically close to the access point and already being used in part for the storage of structures and equipment.
14. To conclude and for the reasons stated, it has not been demonstrated that there is a viable agricultural operation at the site that would justify the need for the scale of development proposed. As such I find that the proposal conflicts with Policy SPT1, SPT2, TTV1, TTV26 and DEV15.

Character and appearance

15. The site is an isolated countryside location with very few buildings nearby. The Council's landscape study identifies the land as 'Inland elevated undulating land', which is characterised as elevated undulating farmland which is generally open and treeless with little built development giving rise to a peaceful landscape with dark night skies and a strong sense of remoteness.
16. Whilst the overall external design of the development is acceptable as an agricultural building, its size, scale and height would appear as unduly prominent in the landscape. The existing mature screening on the southern, western and eastern boundaries would not adequately mitigate the scale of the development in these directions due to the building's height, over 5 metres to the ridge, resulting in it rising above the existing hedgerows.
17. The impact of the development's excessive scale and height would be most prominent from the north due to the panoramic and long-distance views that exist. I note that additional landscape screening is proposed adjacent to the proposal's northern elevation. However, very limited details are provided on what the landscaping would comprise in terms of species and height and whether it would provide effective screening in what is a very exposed part of the site due to the topography of the land. As such, I am not satisfied from the limited information before me that the proposed screening on the northern boundary would adequately address the impact on the landscape due to the rising levels of the land that exist and the scale of the building.
18. It is evident, therefore, that the proposal would be large structure visible in the landscape from short and longer distances. There are very few structures evident in the wider landscape at present, meaning the appeal proposal would represent a large and visually prominent structure in a context where the character is overwhelmingly framed by the open and undeveloped landscape.

As such the proposal would cause unacceptable harm to the rural character of the landscape. Agreeing the colour of the building through conditions, as suggested by the appellant, would not overcome the substantive harm caused by the proposal's excessive size, height and scale.

19. I also note that there is a disagreement between the parties as to the extent of the hard surfacing / permeable apron that is required to support the building. If I had found the building to be acceptable in terms of its impact on the landscape, I would have needed further details on this aspect to assess its relative impact. As I have found the building to be unacceptable in terms of its scale and impact on the landscape, I do not need to consider this further in this decision.
20. I also agree with the Council that lighting for the building and external yard space could, if not controlled, lead to harm to the tranquillity of the landscape and its character through excessive illumination. I note that there is an existing impact in this regard from external lighting powered by means of a generator. However, as no details are provided to how this impact compares to the lighting needed to support the proposed development, I am unable to make a considered assessment.
21. Overall, there is very little lighting detail in the proposals, which given the sensitivity of the location should be provided at this stage as opposed to deferring the matter to conditions. As such, I am not satisfied from the limited information before me that the proposal would be acceptable in terms of mitigating excessive light spill in this tranquil and otherwise dark part of the countryside at night.
22. To conclude and for the reasons stated, I find that the proposal would result in unacceptable harm to the tranquillity and character of the landscape contrary to Policies DEV20 and DEV23 of the JLP.

Low carbon design

23. I agree with the Council that the appellant has not provided adequate details or justification to demonstrate policy DEV32 can be complied with. However, given the nature of the proposal and the scope within the site and development, I am satisfied that this is a matter that could be dealt with by requiring details secured by conditions. However, as I have found the development to be unacceptable for other reasons, I am not required to consider this further in this decision.

Planning Balance and Conclusion

24. The Local Plan clearly establishes support in principle to diversify and support the rural economy. Similar support for the rural economy is set out in Paragraph 88 of the National Planning Policy Framework (the Framework). I recognise the benefits that the proposed development would have in this regard by supporting the appellant in growing their agricultural operation at the site. There would also be operational and visual advantages from replacing the various informal and temporary structures with the proposed purpose-built storage barn. I also acknowledge the improved security benefits of having the equipment at the site in a locked barn as opposed to the current arrangement of being stored under an open temporary shelter.

25. However, whilst I give weight to these benefits, the evidence presented does not demonstrate that there is a viable agricultural operation at the site that justifies the size and scale of the proposal in a location where development is normally restricted. I have also identified there would be unacceptable harm to the landscape character of the area due to the proposed building's size and overall scale and lack of details regarding lighting.
26. Accordingly, I do not find that the overarching support for the rural economy as set out in the development plan and the Framework and other benefits identified provide sufficient justification to outweigh the harm identified in a location where development is normally only permitted in exceptional circumstances.
27. For the reasons given above, the development is not consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I therefore conclude that the appeal should be dismissed.

N Perrins

INSPECTOR