



Appeal Decision

Site visit made on 10 January 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/W1145/W/24/3345837

Land north of Roborough, 257498, 117287

- 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 Dean Folland against the decision of Torridge District Council.
 - The application Ref is 1/0857/2023/FUL.
 - The development proposed is described as “proposed livestock housing with a hayloft.”
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Decision

1. The appeal is allowed and planning permission is granted for livestock housing with a hayloft at Land north of Roborough 257498, 117287, in accordance with the terms of the application, Ref 1/0857/2023/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: Location plan; proposed elevations and floor plan, both received by the Council on 29.08.2023; and block plan received by the Council on 11.09.2023.

Preliminary Matters

2. Following the Council’s notice of decision, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that paragraph numbers have changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.
3. The description of development includes wording that is not an act of development. I have omitted such wording in the formal decision to leave out the superfluous.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located on undesignated land in the countryside. The proposed agricultural building would be positioned downslope of a nearby rural village. The appeal site and its surrounding open farmed landscape is characterised by its undulating and rolling hills with well defined field patterns, including Devon hedges

and narrow sunken lanes. Within the wider area there are isolated farm buildings set alone or in clusters.

6. While the appeal building would not be set against a tree lined backdrop or a scattering of building types seen on the other side of the valley, there is a well-established row of trees towards the bottom of the wider field. These, together with the more elevated and projecting built form of the village backdrop behind would mean that the development would nestle in and respond well to the surrounding landscape. Closer range views of it would be limited as a result of the tall, sunken lanes. As such, additional landscaping would be unnecessary and could disturb the broader field pattern as highlighted by the Council.
7. In that context, the plans show that the building would be of a typical scale, mass, and design for this rural setting. While colouring hasn't been defined, the proposed combination of metal roofing, Yorkshire boarding, and lower concrete panelling would be of commonplace appearance. These materials and their likely colouring would be likely to weather well and soften the overall visual effects of the building. Accordingly, its design would not generate a harmful visual feature in the landscape. For these reasons, it would not be reasonable or necessary to seek further material finish or landscaping details. Moreover, the building would be positioned close to the existing compacted access lane within a tightly defined appeal site area. Consequently, it would not be necessary to seek further details in respect of the access track or associated hardstanding.
8. For the reasons given, I conclude that the proposed development would not harmfully affect the character and appearance of the area. As such, there would be no conflict with policies DM04, ST04, and DM08A of the North Devon and Torridge Local Plan 2011-2031 (LP), which, collectively in this respect, aim to achieve designs that are sympathetic in terms of scale, that respond to the characteristics of the site, its wider context, and the surrounding area. There would also be no conflict with chapter 15 of the Framework, which says, in part that decisions should recognise the intrinsic character and beauty of the countryside.

Other Matters

9. Concerns have been raised in respect of noise and odour associated with the proposed development. The appellant claims that movement of livestock to the south and west of the appeal site could be achieved using other rented land. Even if this were to become unavailable, there are lanes to the north that could provide access. It is also of note that the Council's environmental protection officer raises no objection. For these reasons, it is unlikely that such effects caused by the movement of livestock would be harmful to the living conditions of nearby occupiers.
10. While traffic to and from the nearby farm to the south could be increased, I have been provided with no substantive evidence to demonstrate that this would be unacceptable in the terms set out in the Framework. I find no reason to disagree with the Council in this regard.
11. There are concerns that the land under the ownership of the appellant is modest in comparison with that rented by them. While tenancy agreements may alter, it is not necessarily unusual for land to be rented to support a business. The evidence before me shows that the building would be necessary. Furthermore, it would be sited amongst a generous area of farmland, where there are no other similar

facilities. Consequently, there is no reason why the building could not be put to an agricultural use if circumstances were to change in the future.

Conditions

12. The Council has suggested a number of conditions which I have considered against the tests set out in the Framework and PPG. I have made such omissions as necessary to comply with those documents.
13. I have imposed a plans condition in the interest of clarity. While I have concluded above that an access condition would not be necessary, the Council's suggested condition is not sufficiently precise and fails to reference any relevant development plan policy. Moreover, there is no objection to the proposal from the highways team or other evidence to demonstrate such a condition would be needed to make the development acceptable. This is consistent with my own observations that the existing access and its compacted surfacing, that is already used for agriculture, would remain suitable, including in terms of mud/debris generation.
14. I have not included the suggested landscaping condition for the reasons given above. Additionally, the Council claims that this would be necessary in the interests of achieving a net gain in biodiversity. The officer report specifically identifies compliance with policies DM08 and ST14 of the LP. As such, there is little evidence to show that this would be required to make the development acceptable in planning terms. I have not therefore imposed this condition.
15. There is little to indicate the proposed use would be temporary. Furthermore, if following a grant of permission, the building is not used as proposed, or if there is a future material change of use, then another grant of permission would be required. In such circumstances, the use would be at risk of enforcement action if such permission is not granted. Additionally, the suggested condition does not identify any development plan policy and is not sufficiently precise. In any case, I have found no landscape harm. For these reasons, it would therefore not be reasonable to impose the suggested removal condition.

Conclusion

16. For the reasons given I conclude the appeal should succeed.

J Hills

INSPECTOR