



Appeal Decision

Site visit made on 13 January 2025

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/J9497/W/24/3345781

Land adjacent to Linhay Business Park, Ashburton, Newton Abbot, Devon TQ13 7UP

- 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 N Ball, DTM Recycled Aggregates Ltd, against the decision of Dartmoor National Park Authority.
 - The application Ref is 0476/23.
 - The development proposed is described as Change of use of land used in conjunction with the quarry to the north of the site to a waste transfer station and office (Resubmission).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land used in conjunction with the quarry to the north of the site to a waste transfer station and office at Land adjacent to Linhay Business Park, Ashburton, Newton Abbot, Devon TQ13 7UP in accordance with the terms of the application, Ref 0476/23, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The application form does not provide an address for the site and the appeal form only contains limited address details. I have therefore used the address contained in the decision notice.
3. As the appeal proposal is located within Dartmoor National Park, I have had regard to my duties under Part II, section 11A of the National Parks and Access to the Countryside Act 1949 (as amended). This requires relevant authorities – in exercising any functions in relation to, or so as to affect, land in a National Park – to have regard to the purposes for which National Parks are designated. Amongst other aspects, this includes conserving and enhancing natural beauty, wildlife and cultural heritage. In addition, the National Planning Policy Framework (Framework), which was revised in December 2024, sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The level of protection is also emphasised by the English National Parks and Broads UK Government Vision and Circular 2010 which, for example, refers to the Sandford Principle and sets out that the designation confers the highest status of protection.

Main Issues

4. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area; and
- whether the proposed development would constitute 'major development' in the National Park.

Reasons

Character and appearance

5. As a former quarry, the appeal site is previously developed land and has an industrial character and developed appearance. Despite the presence of school playing fields on one side, the site's stark, industrial quality reflects its main immediate context, which stems from its proximity to Linhay business park, the existing Linhay Hill quarry and the A38 dual carriageway. Consequently, the area in which the site is experienced has a largely built-up, urban nature.
6. Situated within the Dartmoor National Park, the site is on the edge of Ashburton, with housing and pasture – beyond the adjacent playing field – visible in the distance. As identified in the submitted Landscape & Visual Appraisal, the site falls within the 3A Upper Farmed and Wooded Slopes landscape character type of the Dartmoor landscape character assessment. Key characteristics of this area include, amongst other aspects, an undulating but intimate and enclosed landscape; the proximity of moorland; rich hedgerows; pastoral farming predominating; past mining activities; narrow lanes; a dispersed settlement pattern, including some larger settlements and ribbon development between them; and settlements on the edge of the National Park generally being less tranquil and including more modern development. The area's valued attributes are identified as woodland, thick hedgerows enclosing farmland with small fields and lanes, the landscape's human scale, its stone vernacular, and its function as a transition between developed areas and moorland.
7. With its industrial processing by heavy machinery, the appeal proposal would result in a more intensive use of the site. However, the proposed use and subsequent activities, plant and built form would reflect the site's existing nature and be congruous with its industrial, built-up context. Combined with its relatively limited scale and setting, and the intention to retain and enhance existing planting, the proposed development would therefore neither adversely effect the character and appearance of the locality nor the wider area's overall landscape character. It would also not detract from or adversely affect the valued attributes of the landscape character type. Whilst it could not be reasonably be described as enhancing National Park purposes, it would thus conserve the National Park's natural beauty and its defining landscape characteristics.
8. The site is visible in the surrounding area. However, topography, the site's set down nature and the extensive screening provided by trees and other planting means that public views of it are generally limited, with the main views being through the site access; and glimpses above planting on short stretches of the adjacent public right of way and the highway to the north. On this basis, the

proposed development would also not be particularly visible in either the locality or wider area.

9. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policy 1.7 and Strategic Policies (SP) 1.1, 1.2, 1.5 and 5.1 of the Dartmoor Local Plan 2018-2036 (DLP). Amongst other aspects, these expect development to support National Park Purposes and conserve Dartmoor's Special Qualities, make use of previously developed land, reinforce local character and not have a dominant impact; and set out that development that furthers and does not prejudice National Park purposes will be permitted.

Major development

10. Part 2 of DLP SP1.4 and Framework paragraph 190 set out that permission for major development in National Parks should be refused other than in exceptional circumstances and where it can be demonstrated that it is in the public interest. However, Framework footnote 67 identifies that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. This is also reflected in part 1 of SP1.4.
11. Due to the size of the site, the proposed development is 'major development' under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, given the wording in the DLP and the Framework, meeting the statutory definition of major development alone does not mean that the development proposed constitutes 'major development' that requires consideration under the terms of SP1.4 and Framework paragraph 190.
12. Although the site is relatively large, the scale of the proposed development is not significant. Situated close to the A38 dual carriageway and between a business park and a large, active quarry, it would also be set within a predominantly developed setting. Whilst it would create some noise and involve an intensive industrial process, the nature of the proposed waste transfer station would therefore relate acceptably to its context and the site's former quarry use. In coming to this view, I have taken into account the Authority's position that the proposed development would not deliver an efficient and effective use of industrial land within a National Park where land supply is severely restricted and where larger sites within settlement boundaries are rare.
13. I have also found that the appeal proposal would not harm the character and appearance of the surrounding area and would conserve the National Park's natural beauty and landscape character. In addition, the available evidence does not indicate that the proposal would have an adverse impact on the other purposes for which the area has been designated and the National Park's special qualities, including its biodiversity, geology, archaeology, cultural heritage and rural communities.
14. Accordingly, although the appellant's appeal statement did not contest the Authority's position on this matter, I find that the appeal proposal is not 'major development' in the context of part 1 of SP1.4 and Framework footnote 67. On this basis, part 2 of SP1.4 and Framework paragraph 190 are not applicable.

Consequently, there is no conflict with them and no requirement to assess the development against the associated policy criteria. Whilst it may not receive support from DLP Policy 6.4, on the basis that the proposal would produce recycled aggregates and thus minimise waste generation, I also find no conflict with that Policy, which seeks to prevent waste.

Conditions

15. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Authority's approval where relevant.
16. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. Given that the submitted site layout is labelled as indicative, a condition covering the final position of machinery and plant is necessary in the interests of certainty.
17. The conditions relating to landscaping and materials are necessary in the interests of character and appearance. However, whilst I have adapted the landscaping condition to also cover retained planting, I have not imposed the Authority's fourth suggested condition in full because it would not be reasonable. The materials condition also covers the Authority's two suggested conditions.
18. A condition covering on-site parking is necessary in relation to highway safety. A condition covering biodiversity enhancement is necessary in relation to biodiversity and character and appearance. A condition covering surface water is necessary with regards to flood risk and drainage.
19. Conditions covering hours of operation and deliveries are necessary in the interests of the living conditions of surrounding users. However, on the basis that site operation and deliveries on Saturday mornings would neither be unusual or unreasonable, I have extended the hours accordingly. A condition covering on-site lighting is necessary in the interests of character and appearance.
20. A condition requiring compliance with the measures contained in the submitted noise and dust reports is necessary in the interests of the living conditions of surrounding users. This condition combines two of the Authority's suggested conditions. It also means that the suggested condition requiring a noise and vibration management plan is not necessary as such a plan would essentially duplicate the measures already detailed in the submitted reports.

Conclusion

21. For the above reasons, and having had regard to all other matters raised and the submitted evidence, I conclude that the proposed development accords with the development plan. The appeal is therefore allowed.

T Gethin

INSPECTOR

SCHEDULE OF 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 the following approved plans: Site plan; Indicative site layout of the proposed recycling facility (Drawing No 2488 (PL-)01 A); and Mobile office and mess room typical plan and elevations (Drawing No 2488 (PL-)02).
- 3) Prior to the development hereby permitted being first brought into use, full details of the layout and orientation of all plant and machinery shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plant and machinery shall remain in the approved positions.
- 4) Notwithstanding the drawings hereby approved, prior to the development hereby permitted being brought into use, a proposed landscaping and planting scheme and details of existing planting to be retained shall be submitted to and approved in writing by the Local Planning Authority. The new landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the development being brought into use and shall be maintained for a period of not less than five years from the date of planting. Such maintenance shall include the replacement of any trees or shrubs that die or are removed in the next planting season with others of similar size and species, whilst retained planting shall not be felled or removed for the lifetime of the development without the prior written consent of the Local Planning Authority.
- 5) Details of proposed ground surfacing materials of the site and the external facing and roofing materials to be used in the construction of the site office shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, only the approved materials shall be used in the development.
- 6) Prior the development hereby permitted being brought into use, the vehicular parking spaces shown on approved drawing 2488 (PL-)01 A (or any subsequent layout plan approved under condition 3) shall be provided and thereafter retained for that use.
- 7) Prior to the development hereby permitted being brought into use, the biodiversity enhancement measures set out in the submitted Phase 1 Habitat Survey & Preliminary Ecological Appraisal (by Peter Beale) shall be undertaken. Thereafter the approved biodiversity enhancement measures shall be maintained for the lifetime of the development.
- 8) The management of surface water arising from the site shall be in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy (by EDS, dated 28/11/2023, ref J- 3256-Rev.02). The surface water management system shall be fully operational prior to the development hereby permitted being brought into use.
- 9) The development hereby approved shall be carried out in accordance with section 7 of the Noise Impact Assessment (by Hunter Acoustics Ltd, dated 22/02/2022, ref 6457/NIA1) and section 5 of the Dust and Particulates Management Plan (by Ashfield Solutions Group, dated 21/02/2022, ref 141421-S01).

- 10) The site shall only operate between 0700-1700 hours Monday to Friday and 0800-1300 hours Saturday.
- 11) Deliveries shall only be taken at or despatched from the site between 0800-1700 hours Monday to Friday and 0800-1300 hours Saturday.
- 12) Prior to any lighting being installed on site, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
Thereafter, all lighting on the site shall be provided and operated in accordance with the approved scheme.

END OF SCHEDULE