



Appeal Decision

Site visit made on 11 March 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/Q1153/W/24/3352201

Field to East Linnacombe Farm, Sourton Down, Okehampton EX20 4HR

- 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 D Cole against the decision of West Devon Borough Council.
 - The application Ref is 1422/24/FUL.
 - The development proposed is change of use of building from agricultural to commercial.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

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 the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, having particular regard to development plan policies that seek to control development in the countryside.

Reasons

4. The appeal site is in the countryside and is physically separate from any settlement or commercial developments, which, notwithstanding the SPD definition and appeal decision at Wilmstone referred to by the appellant, means it is isolated. In such areas Policy TTV1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) only permits economic development where it would support the principles of sustainable development set out in other policies, including SPT1, SPT2, and TTV26 of the JLP. Policy H2 of the Bridestowe and Sourton Neighbourhood Development Plan (NDP) reiterates this approach.
5. Amongst other things, JLP Policy TTV2 is supportive of the sustainable growth and expansion of rural businesses. Collectively, the aforementioned policies also encourage opportunities for the reuse of previously developed sites, reducing the need for greenfield development. Central to these policies is the need to promote a low carbon future, where development is well served by public transport, walking and cycling opportunities. This is consistent with Policy E1 of the NDP.

6. JLP Policy TTV26 seeks to protect the special characteristics and role of the countryside. It is made up of 2 parts. The first part relates to isolated development, as is the case with this appeal, which explains that this is only permitted under certain exceptional circumstances. One such scenario where support can be given is where the reuse of redundant or disused buildings and brownfield sites is secured for an appropriate use. However, the appeal site does not contain any completed building that might fall into any aforementioned definitions. Even if it was completed, the Framework does not include such buildings within the definition of previously developed land. Essential need in part 1 (i) refers to housing which is not relevant to this appeal. Even so, there would be conflict with this part of the policy.
7. The appellant says that the scheme would complement the existing agricultural operation, which would accord with part 2 (ii) of TTV26. It is claimed an agricultural building would be of limited value as part of the farm holding, though it is also stated that its storage use for machinery and bales etc would minimise transport costs across the wider holding. The evidence is contradictory. If the appeal were to be allowed, it is not clear whether or not further storage space of the scale seen at the appeal site would be required elsewhere on the holding to effectively manage associated transport and storage requirements. Neither has it been shown that a water pipeline would negate the requirement for such storage buildings.
8. Consequently, while the scheme could be considered to amount to a form of diversification, being more profitable than an agricultural building, I cannot be certain that it would not prejudice existing viable agricultural operations, which would conflict with NDP Policy EH.2. Neither has it been convincingly demonstrated that any permission would be linked to the wider farm business. Accordingly, while there would be some economic benefits, these would be moderate.
9. A general commercial use may well be enticing for the identified local business owner, thus supporting the local economy. It is however noted that their interest extends beyond the use of a building and onto the wider surrounding area, which the appellant agrees could be restricted using a planning condition. Be that as it may, there is no reason why this scheme would need to be in a countryside location, rather than in or close to a well-served settlement. As such, if relevant to non-housing proposals, there would be no occupational need as set out in TTV26 part 2. iv. Having paid regard to the submissions, including the referenced Anderson Midland report, even if I were to agree with the appellant in these respects, the conflict with part 1 means that the scheme would fail to accord with TTV26 overall.
10. There is no requirement under JLP Policy DEV15 to demonstrate the need for rural business development. Moreover, the proposal would not harmfully affect the living conditions of neighbouring occupiers or the environment as identified in criterion 2. I have already concluded above that the proposal would not reuse a building, so part 4 of the policy would not be applicable. Nevertheless, the policy requires proposals to be in suitable locations. In that context, it is acknowledged that farms tend to be in rural areas. However, Part 8 of DEV15 says, amongst other things, that proposals should avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be

required to demonstrate how the traffic impacts of the development have been considered and mitigated. This is consistent with JLP Policy DEV29.

11. The Framework recognises that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. However, it adds that it will be important to ensure that development does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
12. No travel plan accompanies this appeal, though the appellant says that workers could make use of the hail and stop service, encouraging walking and the use of public transport. There is little information provided in respect of the regularity of such services, though it seems very unlikely most users would arrive by bus, given the nature of the development proposed. Neither would walking or cycling along the unlit and unpaved countryside verge to reach the appeal site be a realistic or inviting option for many. In any case, the appellant acknowledges that the main means of transport will be by vehicles and not alternative transport types, which they say will result in a significant increase in traffic movements. Even if this statement was not intended, it is likely traffic movements would be significantly greater than the current or possible future scenario, if a farm building were to be completed and made operational.
13. The county highway engineer has confirmed that the access is safe and while NDP Policy H7 has been included as a reason for refusal, the Council identifies no specific conflict with it. This policy is primarily concerned with safety and effects on the highway network. There is consequently little evidence to demonstrate the proposal would not accord with it.
14. I agree with the appellant that the design of the proposal could be adapted to consider the delivery of a low carbon future, including solar and EV charging. Had I been otherwise minded to allow the appeal, such details could be secured, if necessary, using an appropriately worded condition to comply with JLP Policy DEV32. Moreover, there are other policies in the JLP that are more relevant to the promotion of sustainable transport modes than this.
15. Drawing these matters together, there would be some economic benefits to the proposal, though these would not be sufficient to outweigh the conflict with the Council's overarching locational strategy and the JLP when read as a whole.
16. Therefore, I conclude that the proposed development would not be in a suitable location, having particular regard to development plan policies that seek to control development in the countryside. As such, there would be conflict with JLP policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV15, and DEV29; and NDP policies H2, EH.2 and E1.

Other Considerations

17. The appellant refers to the extant permission on the appeal site for an agricultural building as a fallback. This permission with its discharged conditions, together with the fact that its frame has been installed, means there is more than a theoretical prospect the building could be completed. It is capable of being a material consideration. In that context, the appellant highlights problems in funding to complete the building, and while the pandemic would have slowed progress, its

future is less than certain. Consequently, the fallback cannot be relied upon to justify a development that is largely based on policy compliance linked to the conversion of an existing building. Neither is it comparable with other permitted development rights. I give very little weight to the fallback.

18. My attention has been drawn to an appeal decision at North Beer Farm¹ where comparisons are made to this scheme. That proposal involved an existing building that the Inspector identified as being of a very small scale. It is in a different location and sufficiently at variance to this proposal, which means it is not comparable. I give this matter little weight.

Conclusion

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework. In this respect, I acknowledge the case law cited by the appellant which emphasises that the development plan should be considered as a whole.
20. I have concluded above that the proposal conflicts with the development plan, when taken as a whole. Furthermore, even when considered cumulatively, the weight given to the other considerations would not outweigh the identified harm. Accordingly, other considerations do not therefore indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

¹ Appeal ref APP/Q1153/W/23/3334066