



Appeal Decision

Site visit made on 23 April 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 May 2025

Appeal Ref: APP/U1105/W/24/3352912

Woodentop, Littledown Lane, Newton Poppleford, Devon EX10 0BG

- 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 Teresa Loynd against the decision of East Devon District Council.
 - The application Ref is 24/0512/FUL.
 - The development proposed is described in the application as “alteration to design of agricultural building approved under ref. 17/1130/COU (retrospective), change of use of part of the land holding for amenity use including retention of a timber amenity hut”.
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Decision

1. The appeal is dismissed insofar as it related to the use of part of the land holding for amenity use including the retention of a timber hut. The appeal is allowed insofar as it related to alteration to design of agricultural building at Woodentop, Littledown Lane, Newton Poppleford EX10 0BG in accordance with the terms of the application, Ref 24/0512/FUL, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 120/001A and 120/003 dated February 2024 except in respect of the larger rectangular plot and hexagonal hut within it and shown on the same plans.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no gates, fences, walls or other means of enclosure shall be constructed on or around the site without a grant of express planning permission from the local planning authority.

Preliminary Matters

2. The application form states that work or change of use started in September 2021. The scheme has been dealt with retrospectively and at my visit I saw that the buildings were substantially completed. Even so, I have assessed the appeal on the basis of the plans before me.
3. 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.
4. I have altered the description of development in the formal decision above to remove superfluous language that is not an act of development.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area, including Grade 1 agricultural land; and
- whether the site is in a suitable location for the proposal having regard to local policies that seek to limit development in the countryside.

Reasons

Character and appearance

6. The appeal site comprises two rectangular areas of land within a larger wedge of woodland, all within the appellant's ownership. The red line areas include a wooden barn and hut that are the subject of this appeal. There are other elements such as a pond and caravan though no such permission has been applied for these. They are outside the scope of this appeal. Within an attractive part of the countryside, the appeal site is designated as a National Landscape (NL), adjoining fields and a rural lane that links to a nearby settlement.
7. Within the NL, all development should seek to further its statutory purposes of conserving and enhancing the natural beauty. It is necessary to seek to further these purposes in decision making. In that context, paragraph 182 of the Framework attaches great weight to conserving and enhancing natural beauty.
8. The larger rectangular barn is close to a small shed and animal shelter that, at the time of my visit, was being used to house a couple of goats. It is of simple form and is constructed from sympathetic materials, typical of a rural building. The low pitch roof extends beyond the internal footprint to provide an open sheltered area. The overall scale of the building is very modest. In that respect, even if glimpsed views of it could be gained from more distant public vantage points, it is well screened and read within the context of the buildings immediately surrounding it. Overall, the design and construction materials used in this building demonstrate a willingness on the part of the appellant to further the purposes of the NL.
9. Turning to the hut, its small windows are unlikely to emit light that would have a harmful effect on the dark skies. However, despite its small scale, it is set apart from the aforementioned barn and has an overtly domestic appearance. Its sharp hexagonal walls and pointed roof are most unusual and not at all typical of this rural setting. While not particularly visible from public vantage points, it can be seen from the adjoining field and stands proud as a harmfully incongruous feature in the NL.
10. The appellant says that improvements have been made to the land within their ownership, with the clearing of brambles and planting of trees. Nevertheless, activity on the appeal site and wider area has led to a more formalised arrangement of the land. The use of a section of this land for the appellant's private enjoyment or 'amenity land' as they describe it would encourage the siting of more domestic paraphernalia or items not typical of the countryside. This would result in the incremental urbanisation of a protected landscape. While some controls could be secured using an appropriately worded condition, the proposed use would irrevocably diminish the character, quality, tranquillity, and nature of a

small piece of agricultural land. Moreover, if left undeveloped, this land would return to an informal, natural state that would be complimentary to the broader NL.

11. In that respect, the appeal site is on Grade 1 agricultural land. Policy EN13 of the East Devon Local Plan 2016 (LP) says that such land will be protected from development not associated with agriculture or forestry. Even though the section of agricultural land is small and does not appear to be actively farmed, there would nevertheless be conflict with this policy.
12. Drawing these matters together, while the barn is not objectionable in its own right and complies with LP Policy D7, the hut and proposed use of land have an unacceptably harmful effect on the character and appearance of the area. As such, there is conflict with Policy EP6 of the Newton Poppleford and Harpford Parish Neighbourhood Plan, LP policies D1 and EN13, and strategies 7 and 46 which, collectively in this respect require developments to be of high quality, locally distinctive design that respects the key characteristics, tranquillity and special qualities of the area, conserving and enhancing landscape character.

Location

13. Located off an unlit and unpaved rural lane, the appeal site is in the countryside and is identified as such in the LP. Strategy 7 of the LP deals with development in the countryside and only permits schemes that would accord with a local or neighbourhood plan policy that explicitly permits such development.
14. The Council is concerned that the barn that has been constructed is not being used for the agricultural purposes previously permitted. It says that the breeding of goats does not appear to have occurred and that a larger building is consequently not justified. Be that as it may, permission has already been granted for a very similar building that could be used for a range of agricultural purposes. In that respect, there is no substantive evidence to show it could only be used for animal breeding. At my visit I did see some woodwork tools, though I have assessed the scheme on the basis of what has been proposed, which is an agricultural building.
15. Additionally, the covered canopy area appeared to be used to park a small tractor and quad bike, which are reasonably related to the management of the wider agricultural land holding. Accordingly, the current circumstances at the appeal site have not been shown to be vastly different to those when the original permission was given. Accordingly, I am satisfied that there remains a genuine agricultural need for the barn in accordance with LP Policy D7, which explicitly permits such development in the countryside.
16. Nevertheless, LP Policy TC2 directs new development towards locations that are accessible by pedestrians, cyclists and public transport to minimise the need to travel by car. This policy is consistent with paragraphs 115 and 117 of the Framework which say, in this respect, that in assessing specific applications it should be ensured that sustainable modes of transport are prioritised taking account of its location; and where priority is given first to pedestrian and cycle movements.
17. In that context, the agricultural land holding is likely to generate a certain number of trips by private vehicle, though the slightly larger barn would not necessarily amplify matters. The appellant says that the proposed use and hut provide an option to stay at the appeal site for longer periods, avoiding additional trips.

However, there is no compelling evidence to show that the holding requires multiple daily trips. In fact, a separate and unaffiliated use of land as proposed and the hut would be more likely to encourage a greater intensity of overall use of the appeal site. This would consequently lead to more frequent vehicle trips beyond the small scale needs of the agricultural use.

18. Regardless of whether or not the caravan would be removed, there is a separate toilet, and additional shelter available under the roof canopy of the barn. These sheltering and welfare facilities are reasonably related to the scale of the agricultural use. As such, although covering a relatively small area, there is no demonstrable justification for the hut with its generous seating layout or a dedicated area of associated land. Moreover, the appellant agrees that there are no policies that cover the proposed use element to the scheme. Therefore, the identified lack of support and reasons given above mean there is conflict with LP Strategy 7 in respect of the proposed use and hut.
19. I therefore conclude on this main issue that save for the barn, the site is not a suitable location for the proposed hut and land use. As such, there is conflict with LP Strategy 7 and Policy TC2.

Other Matters

20. I note the appellant's support for nature and bird watching. Furthermore, I have paid regard to their personal reasons linked to the hut and desire to change the use of a section of the appeal site. While this is a challenging situation, it does not in itself represent a justification to allow unacceptable development in the countryside.

Conditions

21. As far as it relates to the barn only, I have imposed a condition requiring the development to be carried out in accordance with the approved plans in the interests of certainty.
22. To maintain effective control over the use of the building within its wider setting, it is necessary to impose a condition removing certain permitted development rights.

Conclusion

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
24. For the reasons given, I conclude that the appeal should succeed in part, for the proposed shed, subject to conditions. For the reasons given above, the proposed use of land and hut conflicts with the development plan as a whole. Having had regard to all matters raised, the appeal in relation to that part of the proposed development should be dismissed.

J Hills

INSPECTOR