



Appeal Decision

Site visit made on 17 June 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/X1118/W/25/3359037

Greendown Farm, Road from Four White Gates Cross to East Pugsley Cross, Chittlehampton, Devon EX37 9QR

- 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 James Teenan of JT Utilities Ltd. against the decision of North Devon District Council.
 - The application Ref is 78536.
 - The development proposed is described in the application as “retrospective application for x 4 storage bays, extended hardstanding and office accommodation associated with concrete business”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form states that work began in April 2023 and at the time of my visit I saw that the storage bays, hardstanding, and office were complete. It is noted that the application has been submitted retrospectively. I have dealt with the appeal on that basis and the plans before me.

Main Issues

3. The main issues are (i) whether the site is a suitable location for the development having regard to the provisions of local and national policy; the effect of the proposal on (ii) the living conditions of nearby occupants with particular regard to noise and light; (iii) highway safety; and (iv) the character and appearance of the area.

Reasons

Location

4. The appeal site is in a rural countryside location some distance from any settlement. Notwithstanding the block plan detail, it comprises part of a farm with a long access track leading to hardstanding areas, storage bays and a large agricultural building. The proposal includes the use of these areas in connection with a concrete business, though it is evident that the appellant’s utilities business also operates from the site.
5. At a strategic level, policies ST07 and ST11 of the North Devon and Torridge Local Plan (LP) focus most growth on the largest settlements. They also support proposals for local economic development needs and diversification of the rural economy where they do not conflict with other Local Plan policies. One such policy

is DM14, which supports small-scale economic development in the countryside. There is no dispute that the development is not close to a settlement and has no strong functional link to agriculture or a rural activity as supported through criteria (b) and (c) of the policy, respectively. While the proposal does include the change of use of an existing building as supported in criterion (a), it also seeks permission for the use of relatively large areas of hardstanding and storage bays.

6. In that context, 'small-scale' development is defined in the LP as being up to 0.1ha. It is claimed that only a small part of the red line area relates to the application, though a far larger area has been applied for. It is also stated that the 2-storey office, which is fairly substantial in size, is partly used for the utilities business. Next to this office and within the larger barn I saw one such utilities company vehicle being stored. Additionally, there were a large number of similarly branded vehicles parked on the hardstanding areas. The appellant's collective businesses are evidently intertwined and not clearly severable. That being the case, the overall operation is likely to exceed 0.1ha, and for the reasons given, the development goes well beyond the use of a building as set out in part (a) of the policy. Regardless of the description of the type of concrete operations being carried out, it is not small scale.
7. If it were, small-scale proposals must avoid adverse impacts on the living conditions of local residents, have suitable access arrangements taking into account the standard of the local highway network, and respect the character and appearance of the area. However, as there is conflict with criterion (a), it is not necessary to conclude against additional restrictions set out in parts (d) to (f). Even so, the Council is concerned with the effects on living conditions, highways, and character and appearance which are all covered in the aforementioned criteria. I shall return to these matters later.
8. As an alternative to LP DM14, farm diversification proposals are supported within the terms of LP Policy DM15. This policy requires a number of criteria set out in (a) to (f) to all be met, including similar landscaping, highways, and living conditions controls to those included in DM14. Part (a) requires a justified scale in relation to the enterprise and that the scheme will reinforce the viability of the existing farm business. It is claimed that the agricultural buildings are not required for these purposes. The self-appraisal form indicates that no animals are stocked, and a small amount of grass land is used to grow fodder. The appellant concedes that the farm is not of a scale to be a viable enterprise in itself, and the present proposal brings in additional income.
9. Therefore, the development is evidently an operation of a far greater scale than the existing farming business. Even if its scale tallies with its own operational needs, it is likely to be the primary business, rather than something that reinforces the viability of the farm. For these reasons, there is conflict with LP Policy DM15 part (a).
10. The appellant has gone some way towards exploring opportunities for other sites for their business as required by criterion (b) of this policy. One land agent email suggests that there are no current suitable properties in North Devon. Another advises that nothing is available in Barnstaple. Additionally, a pre-application with the Council for a suggested site been submitted. Moreover, it is claimed that other possible sites in larger settlements will not meet the locational requirements of the business from its market, which would have a negative impact on its viability.

However, I have been provided with no substantive evidence to corroborate such assertions. The evidence therefore lacks conviction.

11. The appellant says that they are continuing efforts to secure an alternative premises from which to operate and that a temporary permission could be given to allow for this. By implication, this shows that the appeal site is sub-optimal in some way to meet the appellant's business needs. A temporary consent would not be appropriate because opportunities for alternative sites have not already been fully explored or exhausted, as required by criterion (b) of DM15.
12. It is acknowledged that the National Planning Policy Framework (the Framework) is supportive of the sustainable growth and expansion of all types of business in rural areas. This includes the diversification of agricultural or other land-based rural businesses beyond existing settlements in locations that are not well served by public transport. That said, paragraph 89 highlights the importance of making development sensitive to its surroundings including the effect on local roads, exploiting opportunities for sustainable modes of transport, which I shall return to. It adds that sites well-related to settlements will be encouraged. The appeal site is disproportionately large when compared with the existing farm business and does not diversify it. Its remote location is not well-related to any settlement and consequently, the scheme conflicts with the thrust of support for 'suitable' growth provided in the Framework.
13. I therefore conclude on this main issue that the development is not in a suitable location having regard to the provisions of local and national policy. As such, it conflicts with LP policies ST07, DM14, and DM15.

Living conditions

14. There are concerns relating to noise emanating from heavy goods vehicles (HGVs) passing close to dwellings and from certain processes and activities at the appeal site. In that context, no detailed assessment of the effects of the development accompanies this appeal. There are a number of scattered properties in the surrounding area, which the Council says are between 53m and 300m away. The appellant claims that the nearest non-involved properties are between 0.25km and 1km away, with 2 properties to the north and south of the appeal site entrance.
15. In light of the above, there have been some complaints made to the Council in respect of noise. Additionally, 2 statutory nuisance abatement notices covering noise, and light from floodlights, have been served on the operators of the concrete business. In respect of the latter, I agree with the appellant that external lighting could be dealt with using a planning condition.
16. On noise, the appellant says that the environmental disbenefits identified by the Council have been substantially mitigated following a site meeting. Be that as it may, the Council's Environmental Health team note that statutory noise nuisance provisions address severe cases of noise disturbance, rather than focusing on impacts in planning terms.
17. Therefore, while it is agreed that other regimes will operate effectively, as set out in paragraph 210 of the Framework, this does not absolve the responsibility of ensuring developments do not harm people's living conditions. Indeed, Framework paragraph 198 says, amongst other things, that decisions should ensure new

development is appropriate for its location taking into account the likely effects on living conditions. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

18. There are likely to be some similarities in respect of the type of vehicles used in an unrestricted farming operation compared with the concrete business, including reversing sirens. Although trip generation is said to be relatively low, this regularity of movement is likely to significantly exceed movements linked to the farming business. Additionally, vibration or noise levels caused by loading cement into the silo up to 6 times a day over 10-minute periods have not been recorded.
19. Even if hours of operation were to be controlled using an appropriately worded condition, it is simply not known what effect the development has on noise levels reaching nearby residents. Therefore, it could be the case that the development generates significantly harmful noise levels that cannot be satisfactorily mitigated. In these circumstances, notwithstanding the appellant's agreement to the Council's suggested condition, it would not be appropriate to attempt to deal with the matter in this way without first understanding any potential noise impacts. This reinforces the point made earlier that a temporary permission should not be given.
20. I therefore conclude on this main issue that the development has a harmful effect on the living conditions of nearby occupants with particular regard to noise. As such, there is conflict with LP policies DM01, DM02, and DM15, which, collectively in this respect, seek to ensure developments avoid significant harm to the living conditions of local residents caused by noise.

Highway safety

21. Access to the appeal site is off a narrow rural lane with limited passing places. Vehicles emerging onto this lane are likely to be provided with sufficient visibility in both directions due to the existing splayed layout. The surrounding lanes have road widths well below minimum recognised standards for large service vehicles such as those used at the appeal site.
22. It is undisputed that there have been no recorded incidents nearby and the adjoining B3227 is about 1km away. From the evidence, the intensity of use of these lanes by large HGVs is likely to be persistent and well above what might be expected from the farm business. From a localised perspective and due to the width of immediate surrounding roads, this represents a significant change to the network. As a consequence, it would be likely to interfere with the free flow of traffic, thus having a harmful effect on other road users.
23. In that respect, the Framework identifies this type of storage and distribution business in paragraph 87, noting that they have specific locational requirements such as being in a suitably accessible location that allows for the efficient and reliable handling of goods. Even though better connections are available about 1km away, the scale of vehicles used with such regularity would be likely to require a better served road infrastructure than is seen in the immediate surrounds of the appeal site access. Therefore, in the absence of any compelling evidence to the contrary, I cannot be certain that any residual cumulative impacts on the highway network are not severe.

24. I therefore conclude on this main issue that the development has a harmful effect on highway safety. As such, there is conflict with LP policies DM05 and DM15 which say, in this respect, that the scale of employment should be appropriate to the accessibility of the site and the surrounding highway network.

Character and appearance

25. The hard standings, storage bays and associated silo apparatus are all contained around an existing agricultural building. They are well integrated and subservient to it. While this appeal site is exposed in the wider landscape, much of the development is read within the context of what already surrounds it. Moreover, there is some new planting that has become well established and shields some views of the storage bays. Views of the development from public vantage points are more long distant and as already mentioned, external lighting could be controlled. The eye is therefore not drawn to it as an unusual collective feature in the landscape. The internal office has no effect on the surroundings. For the reasons given, there is a neutral effect on the non-designated landscape locally valued for its working agricultural and industrial character.
26. On this main issue I conclude that the development has an acceptable effect on the character and appearance of the area. Accordingly, there is no conflict with LP policies DM04, DM08A, DM14, or DM15 which, together in this respect, and amongst other things, promote developments of an appropriate scale that are sited close to existing buildings and that can be satisfactorily assimilated into the surrounding countryside.

Other Matter

27. I have paid regard to the appeal site history and advice given at pre-application. However, I have assessed this scheme on its merits and my own observations.

Planning Balance and Conclusion

28. 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.
29. By dismissing the appeal, I am acutely aware of the potential effects this might have on a rural business, and it is not my intention to stifle economic growth. In that respect I am mindful of paragraph 85 of the Framework where it says significant weight should be placed on the need to support economic growth and productivity. However, embedded within the Framework is the drive that development still needs to be in the right place and sensitive to its surroundings.
30. While the development does not harmfully affect the character and appearance of the area, this is not outweighed by the harm identified in respect of its location, living conditions of nearby residents, and highway safety. As such, there is conflict with the development plan as a whole. Furthermore, even when considered cumulatively, the weight given to the other considerations does 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