



Appeal Decisions

Site visit made on 17 June 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal A Ref: APP/W1145/W/25/3360195

Land at grid reference 257141 114176, Dolton, Devon EX19 8PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Adam Pierce against the decision of Torridge District Council.
- The application Ref is 1/0998/2024/AGR.
- The development proposed is to develop an agricultural building.

Appeal B Ref: APP/W1145/W/25/3360197

Land at grid reference 257141 114176, Dolton, Devon EX19 8PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Adam Pierce against the decision of Torridge District Council.
 - The application Ref is 1/0999/2024/AGR.
 - The development proposed is an agricultural poly tunnel.
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Decision

Appeal A

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an agricultural building at Land at grid reference 257141 114176, Dolton, Devon EX19 8PU in accordance with the application 1/0998/2024/AGR and the details submitted with it, including plan nos: AHA-01, AHA-03, AHA-05 and AHA-06.

Appeal B

2. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an agricultural poly tunnel at Land at grid reference 257141 114176, Dolton, Devon EX19 8PU in accordance with the application 1/0999/2024/AGR and the details submitted with it, including plan nos: AHA-01, AHA-03 and AHA-04.

Preliminary Matters

3. The address in the banner heading above is taken from the decision notice. The application form only included eastings and northings and a description of the location. I am satisfied that the location of the proposed development is clear from the plans and the address detailed above.

4. As set out above there are two appeals on this site. Appeal A refers to the erection of an agricultural building and appeal B to the erection of a poly tunnel. I have considered each proposal on its individual merits.
5. Schedule 2, Part 6, Class A, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), permits the erection, extension or alteration of a building, and any excavation or engineering operations reasonably necessary for the purposes of agriculture within that unit, on agricultural land in an agricultural unit of 5 hectares or more in area. This is subject to certain criteria, and circumstances where development is not permitted are listed under Paragraph A.1.

Main Issue

6. The Council's reason for refusal was the same for each appeal and related to the visual harm resulting from the construction of each building. In both cases it was accepted that the development would comply with the requirements of agricultural permitted development.
7. The main issue in each case is, therefore, the visual effect of the proposed development on the surrounding area having regard to its appearance and siting.

Reasons

8. The site is an open field accessed off a lane from the A3124. There is a separate field between the main road and the site. A thick hedge and several mature trees form the boundaries to the site. There are openings into the field from the adjacent lane. The site is surrounded by fields and existing agricultural buildings are visible from the main road.
9. The lane providing access to the site serves residential properties and is also a public footpath (Footpath 12). This lane runs along the opposite side of the site from the location of the proposed development.
10. The proposed agricultural building would be located in the corner of the site adjacent to the field boundaries with the poly tunnel proposed next to it. The building would have a simple form with a mono pitched roof. The design is consistent with its proposed agricultural use.
11. The agricultural barn would be visible from the main road; however, the thick boundary and the intervening field mean that it would not be overly prominent. Views of the poly tunnel would be more limited as they would either be screened by the building or the hedge.
12. In terms of views from the footpath these would be available at a distance across the field from the opening from the lane closest to the main road and also from a second opening further along the lane.
13. The site lies within the landscape character area LCT 1F: Farmed Lowland and Culm Grassland. The features of the landscape are identified; however, I do not find that the introduction of the proposed structures would be harmful to these features. For example, the proposed development would not disturb any field patterns or remove or alter any hedgerows. Farming is specifically identified as a feature of the area.

14. Although the proposal would introduce structures in a currently open field they would appear as agricultural buildings within a rural setting. They are not excessive in size and whilst they may be partially visible from the road and the footpath the visual impact on the landscape would be limited and not harmful. I accept that they could potentially have been located in a less visible location, however, that does not mean that they are harmful being sited where they have been proposed.
15. In conclusion, in respect of both appeals I find that the building and polytunnel would not result in visual harm to the landscape character.

Other Matters

16. The Council states that works have taken place to install a borehole which would serve the development proposed and they consider that this could mean that the proposed works are not permitted development. I have not been provided with any specific details of the bore hole or how it could specifically relate to the development resulting in the proposal not being permitted development. I am satisfied based on the evidence before me that the proposal is permitted development.
17. The site is close to the Beaford Moor and Halsdon Sites of Special Scientific Interest (SSSI). The Council does not consider that the proposed development would cause harm to the status of these protected sites. Based on the information before me I have no reason to reach a different conclusion.
18. I note the comments from interested parties in respect of the use of the site, however, the agricultural use of the land has been established. Matters in relation to the safety of the junction and any future development cannot be considered as part of an application for prior approval, as these are limited to the stipulations of the GPDO.
19. Unauthorised buildings being erected on the site have been referenced by interested parties. I have not been provided with any details in respect of whether these buildings are lawful. In any event, this is a separate matter for the Council and does not alter the conclusions reached above.

Conditions

20. Paragraph A.2 of Part 6 Class A of the GPDO stipulates the development must be carried out in accordance with the details approved and the development must be carried out within a period of 5 years from the date on which approval was given. The developer must also notify the local planning authority in writing within 7 days of the date on which the development is substantially completed.

Conclusion

21. For the reasons given, the proposed building and polytunnel constitutes permitted development under Schedule 2, Part 6, Class A of the GDPO. Appeal A and Appeal B are therefore allowed, and prior approval is not required.

H Faulkner

INSPECTOR

Appendix 1

List of those who have appealed.

Reference	Case Reference	Appellant
Appeal A	APP/W1145/W/25/3360195	Mr Adam Pierce
Appeal B	APP/W1145/W/25/3360197	Mr Adam Pierce