
Appeal Decision

Site visit made on 24 June 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/J9497/W/25/3362384

The Orchard, Lydford Station EX20 4BW

- 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 C Shirley against the decision of Dartmoor National Park Authority.
 - The application Ref is 0419/24.
 - The development proposed is the installation of a replacement shed for agricultural use.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a replacement shed for agricultural use at The Orchard, Lydford Station EX20 4BW in accordance with the terms of the application, Ref 0419/24, and the plans submitted with it (Site plan and plans A, B, C, D and E) subject to the following conditions:
 - 1) The building hereby permitted shall only be used for storage incidental to the use of the site as an orchard and for no other purpose. When redundant for this purpose, the building shall be removed and the land restored to its former condition within a period of six months.
 - 2) Within 3 months of this decision, the water butt identified within the biodiversity enhancement measures on Plan E shall be installed and retained thereafter.
 - 3) The trees proposed within the biodiversity enhancement measures shown on Plan E shall be planted in the first planting season following the date of this decision; and any trees which within a period of 5 years from date of this decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 4) The stable building (shown hatched and edged green on the site plan) shall be permanently removed and the land restored to its former condition within 6 months of the date of this decision.
 - 5) Prior to the installation of external lighting, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

Preliminary Matters

2. I have taken the description in the heading above from the application form. I have used the original description as an alternative has not been agreed between the parties.

3. On the application form the applicant is named as a Mr C Shirely however all subsequent documents, including the decision notice and appeal form, refer to Mr C Shirley and I have used this in the heading above.
4. The application form states the development was started on 23 July 2023 although at the time of the application it was not considered to be complete. I saw during my site visit that a building had been erected on the site. This appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council. While retrospective, my assessment of the proposal is based on the plans before the Council at the time of the planning application.

Main Issues

5. The main issues are:
 - whether there is a proven functional need for the appeal building; and
 - the effect of the appeal building on the character and appearance of the area and the surrounding landscape having regard to the site's location in the Dartmoor National Park.

Reasons

Proven Functional Need

6. The appeal site is a single field within the Dartmoor National Park. Access to the field is via a lane running along the lower part of the site. The building subject to this appeal has been erected towards the top of the site and there is an existing timber building in the top corner.
7. Fruit trees have been recently planted on the site, predominately in the central area. At the time of the site visit the lower section of the field was uncultivated and was covered with long grass. There is no dispute between the parties that the land is being used for agricultural purposes.
8. Policy 1.3 of the Dartmoor Local Plan (DLP) allows for development outside of settlements where they relate to farming, forestry, or other land-based business with a proven need to locate in the countryside. Further to this Policy 5.8 permits agriculture, forestry, and rural land-based enterprise where the development's scale is proportionate to a proven functional need which cannot be met by an existing building or one which was recently disposed of.
9. There is an existing building on the site, however, the Council accepts that this is in a dilapidated condition and does not suggest that this could be used as an alternative.
10. In respect of the need for the building the site area is relatively small. The evidence provided states that thirty-one fruit trees have been planted on the site with the appellant estimating that this could equate to 15,500 pieces of fruit per season once fully grown, I have no reason to believe this is not the case. It is stated that the shed is needed to store tools, equipment, materials, and fruit, as well as to provide shelter for workers.
11. I accept that equipment will be required to manage the site and details have been provided in respect of what could be needed to be stored in the building. While on

site I saw evidence of the building being used to store equipment and other items. Although there are limited details in respect of the size of building that would be needed to accommodate the equipment, materials, and fruit, I am satisfied that a building of some form would be required. The appeal building is modest in size and even if a potentially smaller building could have been proposed the overall impact would not be significantly different.

12. Whilst it would be possible for tools and produce to be stored away from the site this would not be practical and given the potential volume of fruit to be produced it is not unreasonable for some storage on site.
13. For these reasons, I conclude that there is a proven functional need for the proposal. It would therefore accord with the relevant requirements of Policies 1.3 and 5.8 of the DLP.

Character and Appearance

14. Policy 5.8 requires proposals to conserve or enhance Dartmoor's special qualities, particularly its landscape character, and to relate well to the topography so as not to require significant earthworks. Paragraph 189 of the Framework is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. There is also a statutory duty to seek to further the purposes of the National Park.
15. The appeal site is an open field which slopes upwards from the road. Hedgerows form the boundaries adjacent to the road and lane above with fencing forming the boundaries with the residential properties adjacent. There are also several significant mature trees within or adjacent to the boundaries.
16. The site is in a rural location on the edge of the moor, with fields and woodlands close to the site. However, either side of the site are residential properties. On approach to the site is a terrace of properties clad in hanging slate and next to the site is a pair of redbrick houses. Sheds and outbuildings can be seen in the gardens of these properties. The existing stable building at the rear of the site can also be seen in its dilapidated condition.
17. The building that has been constructed is visible from the road, through the gateway to the site, and its elevated position means it can also be seen above the hedgerow.
18. The building is modest in size and although for agricultural purposes has the appearance of a large shed. In the context of the site, adjacent to residential properties, the building having a somewhat domestic look results in it being more innocuous in appearance than a larger agricultural building might have in this setting. The use of timber and slate in the finish of the building is consistent with materials used in the wider area.
19. The building is most visible in close range views rather than from the wider moor area. Furthermore, the trees that have been planted on the site will likely introduce some additional screening as they grow, although it is acknowledged that this may take several years.
20. The Dartmoor National Park Design Guide (the Design Guide) provides some guidance on the authority's approach to agricultural buildings, although this is not

adopted policy it is useful none the less. The guide requires well designed buildings which are good quality and functional, the building would meet these aims.

Furthermore, it states they need to be thoughtfully sited in the landscape and that visual clutter and out of scale buildings would have a very damaging effect on the Dartmoor landscape. The building is small scale and sited close to other buildings but not too close to potentially result in impacts on living conditions.

21. In terms of materials for agricultural buildings the Design Guide suggests vertically fixed timber for walls and round fibre cement or profiled metal sheeting in grey for roofs. Whilst the building does not directly follow the guide in this respect the materials used are appropriate for the context.
22. The plans and the evidence state that the existing dilapidated shed on the site would be demolished. With the existing shed removed the proposed building would not result in a significantly different visual impact, whilst appreciating it is slightly further into the field rather than in the corner. The appeal building represents a visual enhancement compared to the existing building on the site.
23. Therefore, overall, I conclude that the proposal would conserve and enhance the character and appearance of the site and wider area including the Dartmoor National Park and that it does not conflict with the purposes of seeking to further the purpose of the National Park. It would accord with the landscape aims of Policies 1.1, 1.2, 1.5, 2.1 and 5.8 of the DLP, the English National Parks and the Broads UK Government Vision and the Framework.

Other Matters

24. Comments raised by interested parties suggest that the building is a holiday chalet or could be used as a summer house or office. The proposals relate to a building for agricultural use, these other uses would require a separate grant of planning permission which is not under consideration as part of this appeal. I have also imposed a condition to control the use.
25. Reference is made to the site previously being allotments. I have not been provided with any evidence of this and it has not been raised by the Council as a matter of concern. Any unauthorised change of use is a matter for the Council.
26. The building may have an appearance similar to that of a domestic outbuilding, however, that does not make it unsuitable for small scale agriculture. The entrance to the building may not be suitable to provide access for a tractor, however, none of the evidence has suggested that a tractor would be used as part of the works on site.
27. The Council have raised no objection to the proposal on the grounds of traffic or highway safety and I have not been provided with any evidence to suggest that there would be any issue in this regard.
28. Whether there are any utilities such as water or electricity are not a matter of consideration as part of this appeal.
29. It is acknowledged that the works have been carried out without permission, however, makes no difference to the assessment of this appeal.
30. The works may have involved the removal of part of the bank along with the levelling of part of the site. Whilst this involves some changes to the levels it results

in the building being sited within the slope, to some degree, which helps reduce its overall impact.

31. The site is adjacent to residential properties. Given the single storey nature of the building any views from within it would not be substantially different from those of someone standing on the site. I do not find that any harmful overlooking would therefore result.

Conditions

32. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. In the interests of clarity, brevity and to avoid duplication, I have undertaken some rationalisation and rewording of the conditions suggested. The main parties have been consulted on some of the new and amended conditions.
33. A condition to restrict the use of the building to specifically relate to the use of the site as an orchard is reasonable and necessary as the case presented demonstrates the need for the building specifically in association with this use. The wording has been amended slightly to ensure that other equipment and materials associated with the use other than machinery can be stored in the building.
34. As discussed above, the removal of the existing stable building would enhance the appearance of the site and therefore it is reasonable and necessary to secure its removal within a fixed timeframe.
35. Conditions are required to secure the necessary biodiversity enhancements in accordance with Policy 2.3 of the DLP. To maintain the protection of Dartmoor's night skies, a condition is required to control external lighting at the site. Whilst alternative wording has been suggested I am of the view that any proposed external lighting should be assessed by the Council in respect of its suitability before being erected.

Conclusion

36. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

H Faulkner

INSPECTOR