



Appeal Decision

Site visit made on 13 October 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/U1105/W/25/3365290

Land South of Hillside, Salcombe Regis

- 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 S Conway against the decision of East Devon District Council.
 - The application Ref is 24/1900/FUL.
 - The development proposed is agricultural storage building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - whether the proposal would comply with local policies relating to new agricultural buildings, with particular regard to need; and
 - the effects of the proposal on the character and appearance of the area.

Reasons

Need for development

3. Policy D7 of the *East Devon Local Plan 2013 – 2031* (adopted 2016) (EDLP) sets out that new agricultural buildings and/or buildings intended for intensive agricultural activities that could give rise to adverse amenity, landscape, environmental or other impacts will be permitted where there is a *genuine agricultural need* for the development and a range of criteria are met relating to design and landscape; neighbourliness; highway effects and drainage considerations. Criteria (4) of policy D7 relates to the need for the building and sets out that it shall be established that there are no other suitable buildings on the holding or in the vicinity which could meet the need.
4. The evidence outlines that the area owned by the appellant edged in blue extends to around 3.6 hectares and was acquired in 2021. The site area outlined in red is a smaller area which encompasses the access track extending from the public highway to the north and the location of the proposed agricultural building measuring around 23 x 9 metres. The building is intended to be around 5 metres high to the ridge of the pitched roof and it would be constructed from green profiled steel sheeting. Of the five bays, two would be enclosed with roller shutter doors and three sections would be open.

5. From my site visit, I noted that the area in the appellant's ownership was used for the grazing of horses. Two small store buildings are located towards the north adjacent to the lane. There is a large agricultural building on neighbouring land.
6. Due to the natural topography of the site, it falls away to the west and much of the land on the western extent is heavily vegetated. The area intended for the siting of the building is also in a narrow strip of land which is enclosed by trees. Another similar enclosed strip of land exists alongside it. Along with these hedgerow divisions, the wooded nature of the western extent of the land reduces the available area which could be put to meaningful arable purposes.
7. The evidence¹ alludes to the need to store a tractor, trailers, fertiliser spinner, concentrated feeds and fertilisers, quad bike and other such valuable items which are required for hay production. However, the appeal statement also confirms the site having been used for pasture, as was the case at the time of my visit. There is no evidence of any meaningful recent maintenance of the grass sward or hedgerows on site with any such items of machinery.
8. For reasons relating to the absence of robust evidence, it is unclear whether the appellant's land is capable of producing a yield of hay that would warrant such a large amount of machinery and related storage building and where these items are currently stored, if not at the appeal site. As such, the genuine need for the building has not been proven and thus, the proposal conflicts with, in particular, policy D7 of the EDLP.

Character and appearance

9. The site is located to the southeast of Salcombe Regis and within part of the designated East Devon National Landscape (National Landscape) (formerly Area of Outstanding Natural Beauty (AONB)) and a Coastal Preservation Area (CPA). A key characteristic of the CPA is its visual openness, and the policy intentions of EDLP strategy 44 are to preserve the extent of it which remains undeveloped.
10. A group of four dwellings lies around 100m to the north of the appeal site, extending at a right angle from the adjoining rural road. As already noted, there is another agricultural building on adjoining land to the south which is wide span and constructed from timber. In the wider area, there are a number of caravan parks.
11. With a footprint of around 23 metres by 9 metres and with a ridge height of approximately 5 metres, the building would not be insignificant in size. Whilst it would be smaller and lower than the existing neighbouring agricultural building, it would add cumulatively to the number of sizeable buildings in the landscape on an elevated plateau site. Though a number of existing high hedges limit some views into the site, some glimpses of the building would be attainable from the public road and adjoining footpaths², particularly in winter. The potential clearance of vegetation to facilitate machinery accessing the site would also increase the visibility of the building in the wider landscape.
12. As such, the proposal would be harmful to the character and appearance of the area. Whilst this would be a localised level of harm, it would occur on land which is

¹ The limited reference to this in the appeal statement may refer to an e-mail exchange during the course of the previous application (Reference 23/1161/FUL). Though this email exchange is mentioned in the officer report, no copy has been provided in support of this appeal

² Footpaths numbers 138 and 139

part of a designated National Landscape and CPA. The proposal would therefore conflict with policy D7 and strategies 44 and 46 of the EDLP, which, amongst other things, seek to maintain the landscape of the rural area particularly within the AONB [National Landscape].

Other Matters

13. There is limited detail in respect of whether the proposal would include the construction of a concrete or similar base on which to site the building. There is similarly limited information about the suitability of the width of the lane, point of access onto the highway, or need for any hardsurfaced area for the turning of vehicles outside of the north elevation. However, as the appeal is failing for other reasons, the absence of these details is not determinative.
14. I note that the proposal would not give rise to any obvious harms to the living conditions of neighbouring occupiers and that aspects such as drainage could be resolved by way of planning condition. The absence of other harms weighs neither for nor against the scheme. Other strategies of the development plan, including 7 and 28, have also been brought to my attention. The lack of a conflict with these strategies does not add weight in favour of the scheme.
15. My attention has also been drawn to caselaw³ on the interpretation of the development plan and the need to avoid a legalistic approach to the application of its policies in making a decision. Whilst I have taken them into account, they do not direct me to alternative findings in respect of the main issues.

Planning balance and conclusion

16. The proposal would give rise to harm to the character and appearance of a sensitive area of landscape without having proven a genuine need for such. It therefore conflicts with the development plan.
17. Though it is suggested that the proposal would aid the agricultural use of the site with beneficial effects on the economy, I attribute limited weight to the prospects of such materialising for the reasons outlined above. There are no other considerations, including the provisions of the National Planning Policy Framework, which indicate that a decision should be made other than in accordance with the development plan when taken as a whole.
18. Consequently, the appeal should fail.

H Nicholls

INSPECTOR

1. Including: *Tesco Stores Ltd v Dundee City Council* ([2012] UKSC 13), *City of Edinburgh v Secretary of State for Scotland* [1997] 1 W.L.R. 1447 and *Tesco Stores Limited v Dundee City Council* [2012] PTSR 98