



Appeal Decision

Site visit made on 15 October 2024 by S Wilson LL.B. MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13th December 2024

Appeal Ref: APP/X1118/W/24/3347033

Land at Winson Cross, Chittlehampton, Barnstaple, Devon, EX37 9QP

- 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 Roland Simpson against the decision of North Devon District Council.
 - The application Ref is 78306.
 - The development proposed is described as: 'I purchased this plot with an existing storage shed erected by the previous owner and store my compact tractor/attachments and required tools. I intend to use this plot to grow winter crops, fruit trees, berries and to achieve this I need this equipment secured on site. The existing storage shed is larger than required and is 20ftx10ft.I have calculated that I can fit my compact tractor with attachments and other agricultural tools within an external space of 14ft x 10ft.I also intend to replace the roofing cover to a green felt and stain all woodwork forest green to merge into surroundings. The storage shed serves two purposes. Firstly, as a secure storage for my equipment/tools and also to collect rainwater from the roof for watering crops etc. The height of the storage shed is 2.4m high at apex and 2m at eaves.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. During the application process the description of development changed from that stated on the application form. I have used the original description which is, in any case, sufficient for the purposes of identifying the works to which the appeal relates.

Main Issues

4. The Council has identified three separate reasons for refusal on the Decision Notice. However, having considered the submissions of the main parties, I consider it appropriate to identify two main issues. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area having particular regard to the location of development and to National and Local Planning Policy; and,

- the effect of the proposed development on ecology.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is located in a large grass field atop an elevated ridge and is bordered on the south side by the B3227, from which it is clearly visible. At the date of my visit there was the remnants of a base of a structure on the site. The Council sets out that the appeal site is 649m², can be accessed by the original field entrances to the north and east and is the subject of an Article 4 Direction removing permitted development rights.
6. The North Devon and Torridge Local Plan 2011-2031 (adopted 2018) (the "LP") Policy ST07 seeks to limit development in the countryside except where it would be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location. In addition, Policy DM14 of the LP provides for the development of small businesses in the countryside where the use has a strong functional link to local agriculture, forestry or other rural activity provided the proposed development meets certain criteria such as the proposal respects the character and qualities of the landscape, amongst other things.
7. The appellant maintains that they need the shed to house a small tractor. However, there would be a lack of any commercial element to the proposal, and no contribution to the rural economy. Furthermore, there is not any evidence to demonstrate how the proposal is necessarily restricted to the countryside.
8. The elevated appeal site is mainly laid to pasture and there are wide ranging and highly visible expanses of undulating fields in all other directions, a key characteristic of the area. The proposal would introduce isolated development into a highly visible, elevated rural location which would jar against that characteristic rural landscape. Whilst some vegetative screening is proposed, the detail is inadequate, and I am not convinced that it would be sufficient to screen the incongruous development from all directions. Furthermore, the development would remain visible from the highway.
9. In summary of the above, insufficient information has been provided to evidence that the proposed development relates to an agricultural enterprise, and the proposal would harm the character and appearance of the area. Consequently, the proposal would be contrary to Policies ST04, ST07, ST14, DM04, DM08A, DM14 of the LP and the relevant paragraphs of the National Planning Policy Framework, insofar as they seek high quality inclusive and sustainable design that protects and enhances local landscape key characteristics, their sensitivity to change, and ensures development contributes positively towards them, amongst other things.

Ecology

10. The appeal scheme would result in the removal of an existing structure and would introduce a new shed building and hedging. The appeal proposal has not provided an environmental assessment. As such, insufficient information has been provided to allow the impact of the proposal on ecology to be assessed. Therefore, it is not possible to determine if there would be any adverse ecological effects that would arise from the appeal scheme. Consequently, the

proposal would be contrary to the provisions of Policies ST14 and DM08 which, amongst other things, seek to conserve, protect and enhance biodiversity.

Other Matters

11. Although not advanced in any detail in the grounds of appeal, the appellant maintains that the proposal is necessary in order to house a tractor which would be used to undertake a majority of the physical work at the appeal site due to their age, and would facilitate the involvement of another person who has health conditions. I have therefore had regard to the Public Sector Equality Duty (PSED) contained in s149 of the Equalities Act 2010. The duty includes having regard to the need to eliminate discrimination, harassment, and advance equality of opportunity between those sharing relevant protected characteristics and those who do not. Age and Disability are relevant protected characteristics to which the PSED applies.
12. These rights are engaged in reaching my recommendation and I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified in the public interest. The concept of proportionality is key. I recognise that the use of a tractor may facilitate the involvement of persons with protected characteristics. However, there is no evidence to demonstrate how the proposal is necessarily restricted to the countryside and therefore its locational need. Furthermore, it has not been shown there are no other appropriate alternatives for the storage of the tractor and its transport to the site. I am also mindful that personal circumstances and ownership of the land can change, but the effect of the development would be permanent.
13. Thus, on the basis of the evidence before me, the PSED considerations do not outweigh the significant harm that I have identified, and following careful consideration of these particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.
14. The appellant sets out that at the point of purchase the appeal site had two sheds and an access with gate onto the road and that these have been removed. I cannot see any evidence to demonstrate that these developments had planning permission or were related to an agricultural practice.

Conclusion and Recommendation

15. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet INSPECTOR