

LIST OF APPEAL DECISIONS FROM 28 June 2016 to 20 July 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01434/FULL	Change of use of land from agriculture to outdoor riding arena for private use (Revised Scheme)	Land at NGR 310743 113848 Blackwater Road Culmstock Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The site is located in Flood Zone 2 and 3. The Inspector found that the proposed arena and associated engineering operations were not exempt from the sequential test as the proposal was not purely for a change of use of land. It was concluded that the proposed development would increase flood risk and that there was a reasonably available site in Flood Zone 1. The Council were correct not to apply the exemption test, only where it can be demonstrated there are no reasonably available alternative sites with a lower flood risk, can proposals be assessed in accordance with the exemption tests in paragraph 102 of the Framework. The proposed development was found to be contrary to Policies COR11, DM2 and DM23.

15/01622/FULL	Erection of an agricultural worker's dwelling and an agricultural livestock building	Land at NGR 316711 110152 (Ten Oaks Farm) Clayhidon, Devon	Allowed on appeal	Committee Decision	Allowed on appeal	Informal Hearing	Allow with Conditions
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Summary of Inspectors Comments

The main issues in this case are whether having regard to national and local planning policies which seek to avoid new isolated homes in the countryside, whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside; and the effect of the proposal on the landscape character of the area and Blackdown Hills Area of Outstanding Natural Beauty (AONB)

Essential need The holding extends to 5.1 Hectares 5 portal framed building housing 50 calves etc, with older calves in the fields. COR18 was found to be consistent with NPPF para 55.

Enterprise involves buying calves at a few days old and then rearing them by bucket before weaning. The new agricultural building would allow the appellant to extend his enterprise and increase the capacity of the unit allowing yearly throughput of up to 400 calves. The new building would also provide additional storage space.

The Parish Council questions whether the existing and proposed extended enterprise requires a full time worker. The inspector stated there was no reason to reach a different conclusion to my colleague in respect of this matter. There is a specific need for a worker to be permanently on site. This is not disputed by the Council which considered that an increase in stock numbers would necessitate more of an onsite presence than a smaller number of stock.

It was agreed that there are no available dwellings suitable or within close proximity to the site. Although questions were raised at both the application and appeal stage as to the level of profit made, and whether this could support the new development on the site, there is nothing within the development plan or national planning policy which requires a stated amount of profit to be made to demonstrate that the enterprise is viable.

The proposed dwelling is of a modest scale and the new agricultural building is reasonably necessary to support the expansion of the farming activity on the farm.

Concluded that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Found that the buildings would not be unduly prominent in the wider landscape.

Concern has been raised that the proposal may establish a precedent for similar development in the area. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Local residents have expressed concern about the lack of a mains water supply serving the site, and expressed concerns about animal welfare in this regard. The appellant has indicated that he harvests rain water. This system has been successful in providing water to both the mobile home and for use by the farming enterprise.

The Council has not objected to the water supply serving the site, and in the absence of evidence to demonstrate otherwise, I have no reason to reach a contrary view to the Council in this respect.

In accordance with the Council's Supplementary Planning Document 'The Provision and Funding of Open Space Through Development', It is confirmed there is a need to pay for this requirement.

All Conditions have been accepted that were put forward including the removal of the agricultural barn if no-longer required.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
16/00345/PNFG	Prior Notification for the erection of a storage barn	Land at NGR 271756 92461 (Tennantspiece Cottage) Hittisleigh Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The appeal related to a prior notification under the Town and Country Planning (General Permitted Development)(England) Order 2015- part 6, class E Forestry Development. The site for the proposed building is a small paddock adjacent to the appellants house which is closely mown and has the appearance of domestic usage. The inspector concluded that the land where the building is proposed is clearly not part of the separate forestry holding and therefore the proposal does not fall within the provisions of Schedule 2 Part 6 Class E of the GPDO. The appeal is dismissed.
