

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

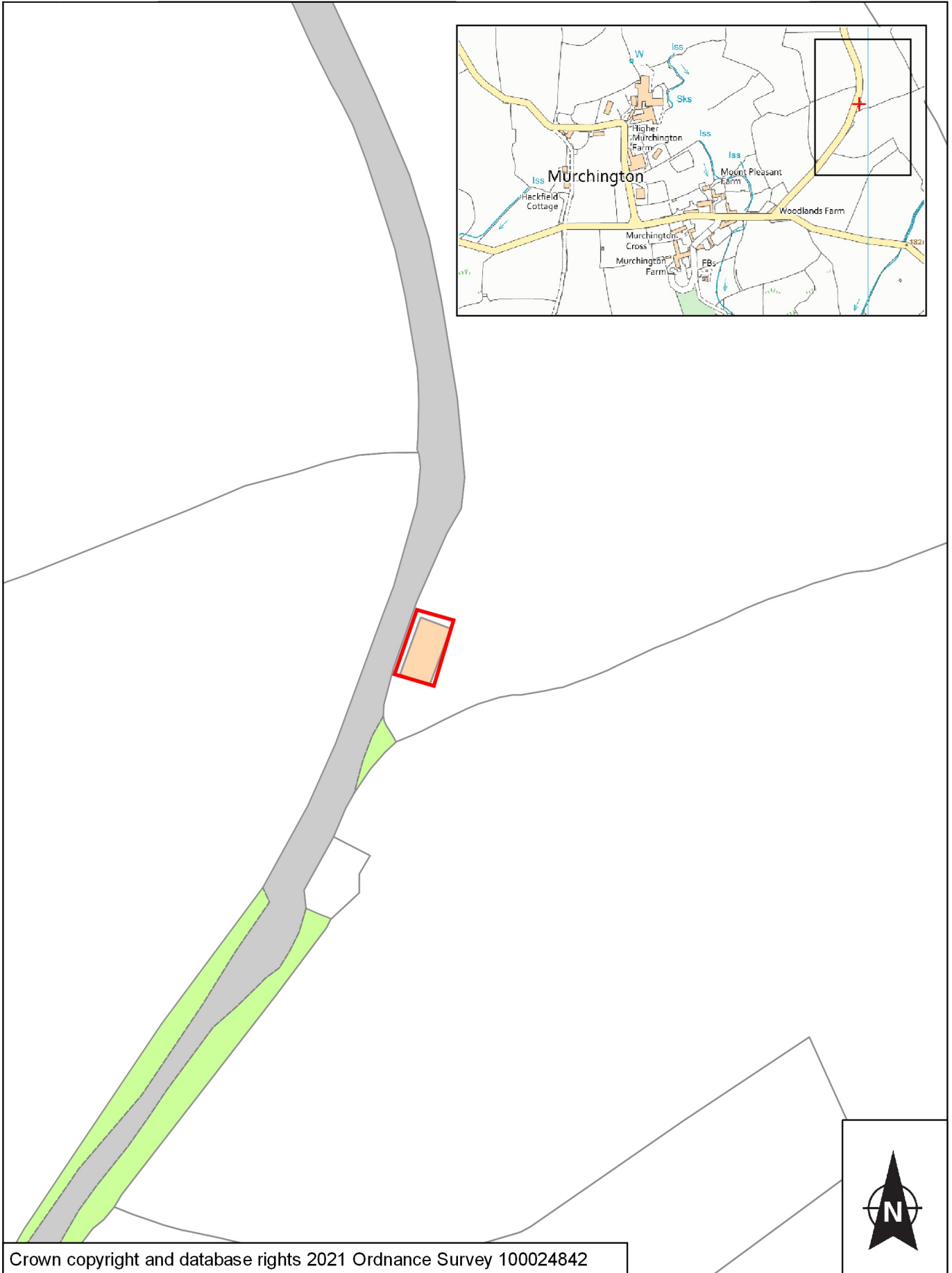
4 February 2022

Applications to be Determined by the Committee

Report of the Head of Development Management

INDEX

<u>Item No.</u>	<u>Description</u>	<u>Pg. No.</u>
1.	0560/21 Retrospective replacement agricultural livestock building (12m x 6m) Land at Blindfield Meadow, Murchington	24



1.

Application No: **0560/21** District/Borough: **West Devon Borough**
Application Type: **Full Planning Permission** Parish: **Throwleigh**
Grid ref: **SX69058852** Officer: **Phil Twamley**
Proposal: **Retrospective replacement agricultural livestock building (12m x 6m)**
Location: **Land at Blindfield Meadow, Murchington**
Applicant: **Mr and Mrs Davis**
Recommendation: **That permission be GRANTED**

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved Site Location Plan, Block Plan and drawings numbered A01 and A02, valid 12 October 2021, and drawing named Planting Scheme valid 8 December 2021.
3. The agricultural building hereby permitted shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. Upon becoming redundant for such purposes, the building shall be removed, and the land reinstated to its former condition within a period of six months, unless the Local Planning Authority shall grant planning permission for an alternative use of the building.
4. Notwithstanding the submitted documents, a detailed scheme for the proposed planting of 9 native trees to the north of the barn shall be submitted to the Local Planning Authority for written approval and carried out in accordance with the approved scheme within six months of the date of the decision notice, or such longer period as the Local Planning Authority shall specify in writing. The planting shall be maintained for the lifetime of the building. Maintenance shall include the replacement of any trees or shrubs that die or are removed.
5. Notwithstanding the submitted documents, a detailed scheme for the management of rain, surface, and foul water run from the proposed development shall be submitted to the Local Planning Authority for written approval and carried out in accordance with the approved scheme within six months of the date of the decision notice, or such longer period as the Local Planning Authority shall specify in writing. The approved scheme shall be maintained for the lifetime of the building.
6. No artificial lighting shall be installed on the development hereby permitted.

1 Introduction

- 1.1 The retrospective application relates to an agricultural building on land at Blindfield Meadow. Access onto the site will be from a minor road through an existing gateway. The building is located on the site of the former Nissen hut.

- 1.2 The development is a single agricultural building at 6 x 12m footprint x 4.3m height with no links to other buildings.
- 1.3 The fields are enclosed with Devon banks with mixed native hedgerow growing on top. The banks and hedges are in good condition. The building will be close to a hedgerow growing along the western boundary of the field.
- 1.4 The field system is likely to be mid to late medieval, is reasonably intact and appears on the Tithe map.
- 1.5 The application is presented to the committee at the request of the Committee Chair, Mr Sanders, in view of the extensive planning history related to this site.

2 PLANNING HISTORY

0519/16 An application for a building measuring 27 x 12m on the same site was refused in November 2016 for the following reason - *'The proposed development would comprise the introduction of an isolated building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park.'*

0114/17 A further application for two agricultural buildings measuring 18.3 x 9.1m on this site was refused in April 2017 for the following reason - *'The proposed development would comprise the introduction of two large agricultural buildings in the open countryside which, by reason of their location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park.'*

0452/17 An application for the erection of a 27m x 12m agricultural building was refused in 2017. The building was proposed in a field adjacent to the current site location.

Members at the time were of the view that the quality of the landscape was such that the building was inappropriate and stated that the Committee could not manage the issues caused by farms being split up. The application was refused for the following reason; *'The proposed building by virtue of its isolated location, size, together with the extent of excavations relating to its siting and the access track will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.'*

0144/18 An application for an agricultural building at 27 x 12m in the current site location was refused in 2018. It was refused for the following reason - *'The proposed building by virtue of its isolated location, size, together with the extent of excavations, will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2012.'*

The applicant appealed the 2018 decision

The inspector made comment that 'this appeal follows a series of frustrated attempts on the part of the appellants to gain consent for a building that, it is undisputed, is necessary for their agricultural enterprise. I do not doubt that the size of the building proposed is commensurate with the amount of livestock and industry standards, and that providing shelter and storage are not unreasonable requirements in the interests of animal welfare and the viability of the enterprise. I am sympathetic to all of this and recognise that farming and the rural economy are supported within local and national planning policies. However, being inside the National Park, the appeal site is located where the scale and extent of development should be limited and where matters of landscape and scenic beauty carry the highest status of protection.'

The appeal was dismissed as the inspector considered that the 'proposed development would have a detrimental impact on the character and appearance of the area, which would fail to preserve the landscape and scenic beauty of the Dartmoor National Park. This would conflict with Policies COR1 and COR3 of the Dartmoor National Park Development Plan Document Core Strategy as well as Policies DMD1b, DMD5 and DM34 of the Development Management and Delivery Plan. There be conflict with the statutory duties in respect of National Parks as well as the Framework. The cumulative weight of benefits to the rural economy in favour of the scheme, as well as the evident local support, do not outweigh the significant weight that the harm to landscape and scenic beauty carries.'

0416/20 Permission was refused for an agricultural building at 18m x 9m for storage and livestock in the adjacent field to the east of the application site. The reason for refusal in this case was by virtue of its isolated location, size, together with the extent of excavations and the access track not being considered to conserve or enhance what is special and locally distinctive about the pastoral character of this landscape.

3 CONSULTATIONS

3.1 Trees & Landscape Officer:

3.1.1 The application is retrospective for an agricultural building on land at Blindfield Meadow. The application states it is a replacement building, there was a building on this site, but it was demolished several years ago. The new building covers part of the footprint of the old structure. Access onto the site will be from a minor road through an existing gateway.

3.1.2 The comments made for previous applications are still relevant.

3.1.3 The fields are enclosed with Devon banks with mixed native hedgerow growing on top. The banks and hedges are in good condition. The building and will be close to a hedgerow growing along the western boundary of the field. The proposed development will have minimal impact on the bank and hedge.

- 3.1.4 The field system is likely to be mid to late medieval, is reasonably intact and appears on the Tithe map.
- 3.1.5 Planning permission was refused for an agricultural building adjacent to this site in 2017 (0452/17). Permission was also refused for an agricultural building on the same site in 2018 (0144/18). The applicant appealed against the decision and the appeal was refused, landscape impact was one of the reasons for refusal.
- 3.1.6 Landscape Character Type - 2D Moorland Edge Slopes
- 3.1.7 The proposed development is located in enclosed farmland. The land around the site is undulating agricultural land comprising of small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on the hedge banks. The agricultural land is grazed pasture. Winding lanes bounded by high hedges thread across the landscape with sunken lanes a feature of this landscape type. Small linear woods are found growing along shallow valleys. There is a sparse settlement pattern with small hamlets, villages and nucleated farmsteads nestled into the folded rolling landform and often surrounded by woodland.
- 3.1.8 The Landscape character Assessment lists valued attributes for this landscape type as;
- A rich and intricate landscape full of contrasts.
 - Strong pattern of medieval fields with prominent Devon hedgebanks and drystone walls.
 - Pastoral character of fields contrasting with heathy moorland.
 - Strong vernacular of granite colourwash and slate.
 - Spectacular views to the moorland core of Dartmoor as well as surrounding countryside outside the National Park.
 - Features associated with the area's mining heritage and historic land use.
- 3.1.9 The proposed development is having an impact on the local landscape character. The isolated building changes the character of the local landscape.
- 3.1.10 Local plan policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognized that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy states that:

Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment; ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;

- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;
- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

3.1.11 The policy is very clear that development should conserve and/or enhance the character of Dartmoor's landscape. The development is having a detrimental impact on the historic field system and the pastoral character of the area. The development does not respect the valued attributes as set out in the Landscape Character Assessment and it does not conserve and or enhance the character of the landscape, the development is clearly contrary to policy.

3.1.12 DMD34 states that agricultural development will be permitted where there is demonstrable need that is proportional to the land use, the development relates well to the local landscape features and other building groups, it is located to reduce intrusive effects and it will not cause harm to archaeological and cultural heritage. The development is poorly related to other buildings, and it does not reflect the agricultural building pattern found in this landscape. If the site becomes the centre of the agricultural unit, we will see the surrounding land being used to store agricultural machinery, other equipment and silage bales. The field is used to store silage bales and other materials including a caravan. This use of the land will inevitably have an impact on the pastoral field system.

Visual amenity

3.1.13 The building is very visible from the minor road that runs along the boundary of the site. There will be glimpsed views from the high ground to the south.

3.1.14 The development is having an adverse impact on the character of the local landscape. The development will be contrary to policy COR 1 in that it does not respect or enhance the character, quality or tranquillity of the local landscape. It is contrary to policy COR 3 in that the development does not conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The development is also contrary to DMD5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape by respecting the identified valued attributes, specifically the strong pattern of medieval fields with prominent Devon hedgebanks and the pastoral character of fields which contrast with areas of heathy moorland. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that harms the wider landscape. The development is poorly related to other farm buildings or settlements.

3.1.15 The development is also contrary to DMD34 because it is poorly related to other buildings, and it does not reflect the agricultural building pattern found in this landscape.

Environment Agency:

Flood Zone 1 – Standing Advice Applies

West Devon Borough Council: Did not wish to comment

DCC CEECD (Highways): No objection

4 Parish/Town Council Comments

4.1 Throwleigh Parish Council: The Council fully supports the application. On welfare grounds, it is a necessary shed for managing the livestock. The footprint is also the same as the original building.

5 Relevant Development Plan Policies

Strategic Policy 1.1	Delivering National Park purposes and protecting Dartmoor's Special Qualities
Strategic Policy 1.2	Sustainable development in Dartmoor National Park
Strategic Policy 1.5	Delivering good design
Policy 1.7	Protecting local amenity in Dartmoor National Park
Strategic Policy 2.1	Protecting the character of Dartmoor's landscape
Strategic Policy 2.2	Conserving and enhancing Dartmoor's biodiversity and geodiversity
Strategic Policy 2.3	Biodiversity Net Gain
Strategic Policy 2.4	Conserving and enhancing Dartmoor's moorland, heathland and woodland
Policy 2.6	Protecting tranquillity and dark night skies
Policy 5.8	Agriculture, forestry and rural land-based enterprise development

5 Representations

5.1 13 letters of support, 0 letters of objection.

5.2 Summary of comments –

- A good replacement for the collapsing, asbestos cement clad, shed recently on the site.
- The scale is very similar and the location exactly the same.
- The timber cladding will mellow down, and the resultant building will have no greater impact than the previous building.
- A useful addition as a replacement building.
- The barn is a replacement of an existing building and is totally in keeping with the location.
- We often walk up this lane because we live locally in Murchington and were pleased to see the refurbishment/rebuilding on this site.
- Now we have a proper working barn on a proper working farm, supporting a local farmer with innovative farming methods.
- Since the completion of the barn, contamination of the road by mud from tractor tyres has been significantly reduced.
- As a veterinary surgeon, it is my professional opinion that a housing facility is required at Mr Davis land near Murchington, and the old Nissan hut is not suitable to house livestock for modern agricultural methods.
- It is of considerable benefit to livestock to be housed in the correct manner. Poor housing has a major impact on the welfare of livestock and consequently causes severe health issues, which in turn can lead to livestock fatalities.

- It is tucked in under the hedge and doesn't intrude on the landscape at all.
- The Davis family have been farming in the area for generations and strong custodians of the landscape and the environment. They are a young family keen to continue farming.

6 Observations

PROPOSAL

- 6.1 This application relates to retrospective permission for an agricultural livestock building at 12m x 6m footprint x 5.28m height with eaves at 4.27m. The barn features a dual pitch roof constructed from fibre cement panels. The main elevations are Yorkshire boarded walls with an open front elevation with five bar gate.
- 6.2 Access onto the site will be from a minor road through an existing gateway.

AGRICULTURAL JUSTIFICATION

- 6.3 The applicants presently run a beef, sheep, pig and arable enterprise and have been farming in their own name for approximately 5 years. The applicants currently own 38 acres extending to the agricultural holding located near Murchington and, in addition, rent a further 60 acres (approximately) on long, medium and short-term tenancies.
- 6.4 At present the applicants currently run a beef suckler herd of 50 breeding cows with calves and in addition have 30 followers being replacement heifers and store cattle. The cattle typically calve in the months of April/May and have been outwintered all year round due to no winter housing facilities.
- 6.5 Alongside this the applicant runs a breeding ewe flock of 150 ewes with lambs at foot. These graze the pasture fields with the cattle or following the cattle. In addition, the applicants grow arable crops in rotation to provide a break in the pasture ground to help manage the fertility and have begun rearing fattening pigs which they then butcher and sell meat boxes locally.
- 6.6 The applicant has been trying to obtain planning permission for a livestock building on the land previously as detailed above and due to not obtaining permission has had to outwinter the cattle on the land.
- 6.7 This building will provide a weatherproof building and safe building which will allow for livestock to be housed when required for difficult calving's or in support of urgent animal welfare. When not being used for sick and ill livestock, the building has been designed so that it can be used for the storage of fodder, bedding, fertiliser and machinery in the albeit small area. The applicant produces much of his own produce of fodder beet and arable crops and this building will be used to store some of the produce in a dry environment to allow the homegrown produce to be fed to the animals in the winter months. Officers consider that the scale and intended purpose of the proposed building is justified in the interest of animal welfare and in support of the established farming use of the land.

POLICY

- 6.8 Local Plan policies 1.1, 1.2, 2.1, and 2.4, establish the requirement for new development to respect and enhance the character, quality and tranquillity of local landscapes and the wider countryside.
- 6.9 Policy 5.8 is specifically concerned with new agricultural development. Policy 5.8 states that agriculture, forestry and other rural land-based development will be permitted where -
- a) 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;
 - b) either on its own or cumulatively with other development, it conserves and/or enhances the National Park's Special Qualities, particularly landscape character, biodiversity, heritage significance, tranquillity and dark night skies;
 - c) it does not harm natural drainage and avoids pollution of soils, water or air;
 - d) relates well to local topography and does not require significant earth works; and
 - e) in the case of new buildings and structures, they are clustered with existing building groups and enclosed with an appropriate boundary feature, taking into account the special characteristics of the built environment.
- 6.10 The Dartmoor National Park Design Guide recommends that new farm buildings should aim to fit into, and be sympathetic to, existing farmsteads and landscape, avoiding visually intrusive new buildings that are too dominant or overbearing and should respect the scale of surrounding buildings.

LANDSCAPE CHARACTER

- 6.11 Landscape Character Type - 2D Moorland Edge Slopes
- 6.12 The proposed development is located in enclosed farmland. The land around the site is undulating agricultural land comprising of small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on the hedge banks. The agricultural land is grazed pasture. Winding lanes bounded by high hedges thread across the landscape with sunken lanes a feature of this landscape type. Small linear woods are found growing along shallow valleys. There is a sparse settlement pattern with small hamlets, villages and nucleated farmsteads nestled into the folded rolling landform and often surrounded by woodland.
- 6.13 The Landscape character Assessment lists valued attributes for this landscape type as:
- A rich and intricate landscape full of contrasts.
 - Strong pattern of medieval fields with prominent Devon hedgebanks and drystone walls.
 - Pastoral character of fields contrasting with heathy moorland.
 - Strong vernacular of granite colourwash and slate.

- Spectacular views to the moorland core of Dartmoor as well as surrounding countryside outside the National Park.
- Features associated with the area's mining heritage and historic land use.

LANDSCAPE IMPACT

- 6.14 The proposed development presents an adverse impact on the local landscape character. The proposed development is unrelated to other buildings, and it does not reflect the agricultural building pattern found in this landscape. The development will also have a significant impact on the historic field system.
- 6.15 The isolated building and the excavation works necessary to create a level site are considered to alter the character of the grazed pasture.
- 6.16 The policy approach is very clear- buildings should conserve and/or enhance the character of Dartmoor's landscape. The development will have a detrimental impact on the historic field system and the pastoral character of the area. The development does not respect the valued attributes as set out in the Landscape Character Assessment and it does not conserve and or enhance the character of the landscape. In this regard, the development is contrary to policy.

VISUAL AMENITY

- 6.17 The building will be partially screened by the hedgerow growing along the western boundary bordering the road. The applicant has agreed to plant trees adjacent to the northern elevation should permission be granted to provide screening from the approach to the north.

OTHER MATTERS

- 6.18 The proposed building will have no detrimental impact on highway safety.

7 Member Site Visit – 21 January 2022

- 7.1 Members of the site inspection panel convened on the site where the Planning Officer outlined the application and provided a summary of the site history.
- 7.2 The Authority's Trees and Landscapes Officer provided detail on his representation as included earlier in this report.
- 7.3 The Planning Officer described the barn in relation to the Nissen hut. Attendees were shown where the end of the Nissen hut was originally in relation to the end of the barn as now built, being 2.19m longer. At the entrance to the barn, it was shown that the new barn walls were partially constructed onto the side of the old Nissen hut making it 0.59m wider, with the ridgeline being 1.23m taller. It was also noted that the ridgeline is a different shape to the Nissen hut, as the hut was curved, and the new ridgeline is apex.
- 7.4 It was clarified that the farm stock is mainly kept in grass keep and only brought into the barn when welfare needs arise.
- 7.5 The Parish Council commented on their support of the construction. They noted that the Nissen hut had been on the site for many years and had always been used for agricultural purposes. They also raised that there used to be a hay loft on the

Nissen hut and so the height of the hut was very similar to the height of the new barn.

- 7.6 It was clarified that the applicant has 38 acres of land, from the bottom of the hill, to near the top, and that he rents 120 acres of land making up the rest of his farm.
- 7.7 The Planning Officer clarified that any approval should include a condition, as agreed with the applicant, to include planting of nine native trees to lessen the visual impact of the building and provide bio-diversity enhancement.
- 7.8 It was clarified by the applicant that the site forms his farmyard and that the barn is his only agricultural building. His sheep stock mainly lamb in the field in spring, however covered inside space is required if problems occur.
- 7.9 It was noted that the recommendation was sympathetic to the site, regarded by the Planning Officer as predominantly a brown field site due to the foundations and partial remains of the Nissen hut. It was highlighted that the Authority needs to be consistent with the decision making process and ensure that the National Park is protected, alongside addressing local or agricultural need. The Planning Officer explained that the determination would require any harm identified to be weighed against the public benefit presented.
- 7.10 One Authority Member raised concerns regarding the lack of rain, surface, and foul water management on site, and asked if a condition could be included to prevent runoff onto the road.

8 **Conclusion**

- 8.1 The main issue is the balance between the evidenced functional requirement of the farming enterprise and the effect of the proposed development on the character and appearance of the area, including whether it would conserve or enhance the natural beauty of the landscape.
- 8.2 The site is located in a relatively elevated hillside position, on one side of a narrow lane that winds up from the small village of Murchington and is bounded by high hedges. The site previously housed a Nissen hut that had been largely removed except for foundations and low level walls at some point prior to mid-2020. The Authority's aerial photos indicate the Nissen hut was sited in this location from at least 1999. The wider field was noted under the Inspector's report regarding the appeal for ref. 0144/18 as 'devoid of permanent structures and bounded by mature Devon hedgerow. On approach to the appeal site from Murchington, the proposal stands out as a utilitarian feature in an otherwise open and verdant rolling landscape'. The Inspector noted that the proposed replacement of the previous Nissen hut with a substantially larger structure would inevitably be highly intrusive and prominent, especially experienced from the lane-side, along which the longest elevation would run and where the hedge is lowest.
- 8.3 Notwithstanding the Inspector's comments with regard to the appeal relating to application ref. 0144/18, the proposal at that time related to an agricultural building at 27 x 12m footprint with a 5.3m height, on a much-extended form to the Nissen hut footprint. The building now presented is a slightly extended footprint to the previous Nissen hut foundations as are still present on site. The current building at

12 x 6m footprint with a 4.3m height is a modest scale building, of a high build quality, that better relates to the scale and location of the previous building that stood in excess of 20 years. For clarity, the building now sited is 1.23m taller to ridge, 2.19m longer and 0.59m wider than the old Nissen hut.

- 8.4 The applicant has agreed to additional landscaping to include the planting of 9 native trees adjacent to the north elevation of the barn. This measure serves to partially address the visual impact of the building on approach from the north and to provide bio-diversity net gain in accordance with Strategic Policy 2.3.
- 8.5 In response to concerns raised at the Members' site visit on 21 January, a condition is recommended to secure an appropriate rain, surface, and foul water management scheme.
- 8.6 The harm to the character and appearance of the area must in part be measured against the presence of the Nissen hut until 2020 and in the context of the foundations and structural elements of the Nissen hut that remain on site.
- 8.7 Officers regard the agricultural justification for the building as proposed to provide improved animal welfare and storage as reasonable for a land holding of this size. Farming is recognised as a vital component in managing National Park landscape.
- 8.8 Officers recognise that a building in this location presents a level of harm to the character and appearance of the area. Notwithstanding this point, the weight of benefits to the rural economy and animal welfare enhancement in favour of the scheme, are considered by Officers to outweigh the weight of the identified harm to landscape and scenic beauty.

CHRISTOPHER HART