



Appeal Decision

Site visit made on 20 November 2014

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2014

Appeal Ref: APP/J9497/C/14/2211926

Stone Park, Church Lane, Walkhampton PL20 6JS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Dartmoor National Park Authority.
- The appeal is made by Jeanette Glanville.
- The Authority's reference is ENF/0167/12.
- The notice was issued on 4 December 2013.
- The breach of planning control as alleged in the notice is the erection of two timber pole-barn type buildings.
- The requirements of the notice are to remove the development from the land, including all debris and materials, and to restore the land to its former condition.
- The period for compliance with the requirements is 60 days.
- The appeal is proceeding on the grounds set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is allowed and planning permission is granted.

Preliminary Matters

1. The plan attached to the notice identifies the buildings as X and Y and shows their approximate position. The appellant points out that the location of building Y is incorrect and should be shown to the north-west of the existing stable block on the land rather than to the south-west. It is nevertheless apparent that all parties are clear as to which buildings are referred to, as these are the only two buildings of this description on the land. The enforcement notice plan can therefore be corrected without injustice.

Main issue

2. At issue is the effect of the buildings on the character and appearance of the National Park.

Reasons

3. In accordance with the statutory requirement under section 62 (2) of the Environment Act 1995, the National Planning Policy Framework (NPPF) places great weight on conserving the landscape and scenic beauty of National Parks. These considerations are reflected in local development plan policies contained in the National Park Authority's adopted Development Plan Documents (DPDs). The Core Strategy DPD (CS) (adopted 2008) sets out an overarching sustainable development policy (COR1), while Policy COR3 seeks to conserve and enhance the characteristic landscapes and features of the area and Policy

COR4 sets out design principles. Within the Development Management and Delivery DPD (DMD) (adopted 2013), Policy DMD1b reiterates the priority given to the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park, while Policy DMD5 requires development proposals to conserve and/or enhance the special qualities of the landscape. Saved Devon Structure Plan (SP) Policy CO2 allows development where it would conserve and enhance the natural beauty, wildlife and cultural heritage of the Park, or promote understanding and enjoyment of its special qualities, or foster the social or economic well-being of its communities (where compatible with National Park purposes).

4. The two pole barns which are the subject of the notice are each constructed of timber telegraph poles supporting a timber roof frame on which a roof of metal profile sheeting has been laid. They adjoin a U-shaped block of timber construction with corrugated metal roof containing 5 stables, a tack room and a hay store. The complex lies in the southern corner of a field on the north side of Church Lane a short distance to the north-east of the village of Walkhampton and approximately midway between the built-up area of the village and the isolated parish church. The land rises to the north and building X has been cut into the sloping ground.
5. The stable block was granted planning permission in 2005. What has been built differs from the approved plan, but the authority acknowledges that, due to the passage of time, the development is now immune from enforcement action were this considered appropriate. The two pole barns are closely related to the stable block. Although at the time the authority first became aware of them they were being used to house a caravan and a horsebox, they now respectively provide accommodation for a tractor and for bales of hay, for which the existing stable block has inadequate accommodation. Public views of the building complex are limited as it is nestled into the landscape and largely screened from view by hedges and other field enclosures, although because of their height the two pole barns can be glimpsed above the existing stables in certain views such as that from the vehicular access onto Church Lane.
6. The buildings are of utilitarian and functional design. However the materials used in their construction are typical of what would be found in buildings of this nature. Although the authority's Dartmoor National Park Design Guide usually prefers dual pitched roofs, it says that monopitch roofs can be acceptable for smaller buildings¹. The buildings are reasonably required for the authorised equestrian use of the site, a use which is encouraged in National Park policies, and would thereby accord with criterion (3) of SP Policy CO2 which allows development which would foster the social or economic well-being of the communities in the park. They are relatively inconspicuous and grouped with the existing stable building. As such they cause no harm to the natural beauty of the Dartmoor landscape and do not conflict with relevant development plan policies designed to protect and enhance the area. Planning permission can therefore be granted.

Conditions

7. The authority has suggested the imposition of a number of conditions in the event of the appeal being allowed. A condition requiring a new hedgebank

¹ This guidance relates to new agricultural buildings, but the same principles can reasonably be applied to equestrian buildings for which the Design Guide offers no specific guidance on roof form

would help to further assimilate the buildings into the landscape and is therefore justified in order to protect the landscape of the National Park. Conditions restricting the use of the buildings and requiring their removal if the equestrian use ceases, and restricting the installation of lighting, are justified for similar reasons.

Formal decision

8. I direct that the enforcement notice be corrected by the substitution of the attached plan for that attached to the enforcement notice. Subject to this correction, I allow the appeal and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of two timber pole-barn type buildings on land at Stone Park, Church Lane, Walkhampton referred to in the notice, subject to the following conditions:

1. The buildings hereby approved shall be used for the mixed agricultural and private/domestic equestrian use on the site and for no other purpose. Within six months of either building becoming redundant for such purposes, it shall be removed and the land reinstated to its former condition, unless planning permission has been granted for an alternative use.
2. No lighting shall be installed on site unless details have been first submitted to and approved in writing by the local planning authority.
3. The buildings hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 2 months of the date of failure to meet any one of the requirements set out in (a) to (d) below:-
 - a. within 3 months of the date of this decision a scheme for the provision of a new hedgebank to be planted along the northern and eastern boundaries of the stable yard shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - b. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
 - c. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - d. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Peter Horridge

INSPECTOR



Annex to Appeal Decision Corrected Plan

This is the plan referred to in my decision dated: 27.11.2014

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