



Appeal Decision

Hearing Held on 18 April 2018

Site visit made on 18 April 2018

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2018

Appeal Ref: APP/J1155/W/17/3184835

Land at OS GR 304445 114510, Ayshford, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Disney against the decision of Devon County Council.
 - The application Ref DCC/3963/2017, dated 28 February 2017, was refused by notice dated 5 June 2017.
 - The development proposed is a recycling and soil screening/storage facility.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is a suitable location for a recycling and soil screening/storage facility having particular regard to the character and appearance of the surrounding area and agricultural land.

Reasons

Character and appearance

3. The Devon Waste Plan 2011-2031 (WP) sets out the County's vision for sustainable waste management and policy W12 concerns the landscape and visual impact of such development. W12 a) sets out that the siting, scale and design of waste proposals must respond to landscape context and integrate into the landscape without harming its distinctive character or valued qualities. Where there would be potential adverse visual impacts on sensitive receptors W12 b) states that these must be avoided or minimised to acceptable levels within a reasonable period.
4. The appeal site sits within the Devon Character Area: Culm Valley Lowlands. This area is made up of four constituent landscape character types and the appeal site falls into the Sparsely Settled Farmed Valley Floors character type. The Devon Landscape Character Assessment for the Culm Valley Lowlands outlines the distinctive characteristics of this area. These include that it is a relatively low and gently undulating landscape with abundant hedgerows. This area is also an important transport corridor between Devon and Somerset and as such is considered to be the 'gateway' to Devon.
5. The appeal site fits in with the above assessment forming part of a low lying open, agricultural field which sits within a landscape of other predominantly

open agricultural fields bound by low hedgerows and interspersed with farm buildings. In the wider surrounding area there are various visual intrusions such as a solar farm and pylons but these do not affect the overriding character and appearance of the area as described above. This area is intersected by major road and rail transport infrastructure but this only goes to confirm its location at the 'gateway' into Devon, the site being directly adjacent to and visible from the A361 Devon link road as well as being visible in longer views from the M5 and from the railway line as it comes into Tiverton Parkway station.

6. The appeal site has a planning history which includes permission for an agricultural livestock building of roughly the same dimensions and form as that proposed in this appeal. The main concern of the Council in terms of character and appearance is therefore with the stockpiles of material required for the proposed facility. The stockpiles would be large and unsightly, particularly the concrete material for processing which would be the largest pile and would have a maximum height of 5m. The industrial appearance of the stockpiles would be out of character with the predominantly agricultural surroundings to the appeal site. They would also be highly visible from the adjacent road and visible from the main transport routes into Devon identified above. The proposal would therefore result in significant harm to the character and appearance of the surrounding area.
7. The appellant proposes a landscaping scheme to mitigate the visual impact of the stockpiles. This would comprise the strengthening of hedgerows around the perimeter of the appeal site with a native mix of shrubs and trees. A 1.8m high Devon Bank, to be planted with native hedging along the north-east and south-east boundaries, is also proposed. This type of landscaping would be appropriate to the character of the area. However, it would not completely screen the development given the height and size of the stockpiles and it would take a number of years to fully mature. In addition to this native planting is likely to comprise predominantly deciduous varieties of trees and shrubs which would mean increased visibility during winter months.
8. Taking the above points together I find that the proposal would result in significant harm to the character and appearance of the area in which it is located and that this could not be avoided or minimise to acceptable levels within a reasonable period contrary to Policy W12 a) and b). It would also conflict with Policy COR18 of the Core Strategy 2026 which seeks to strictly control development in the countryside and to enhance its character and appearance, and Policies DM2 and DM20 of the Local Plan Part 3 Development Management Policies (2013) which similarly seek to resist adverse impacts on local character and appearance.

Agricultural land

9. There is no dispute between the main parties that the appeal site is grade 3a 'best and most versatile agricultural land'. Policy W16 of the WP sets out that waste management development proposals will be permitted where they would not, amongst other things, result in the loss of best and most versatile agricultural land, unless the environmental, social and economic benefits of the proposal outweigh this loss.
10. The recycling of construction, demolition and excavation waste is a social benefit as this prevents such materials going to landfill. The intention is that

the recycling and soil screening/storage facility currently operating from a nearby site (Swallow Court which is also under the ownership of the appellant) will relocate to the appeal site as it has only a temporary planning permission which runs out, as confirmed verbally at the hearing, on the 1st April 2023. The Council were unable to give any clear indication as to whether this site would be granted a further temporary or permanent planning permission, but in any event the appellant indicated that they were unwilling for the existing facility to continue in this location for various reasons. Furthermore, based on the evidence submitted by the appellant, there is a lack of availability of alternative brownfield sites at this time.

11. Taking the above points into consideration the proposal would provide moderate economic and social benefits insofar as it would secure the retention of two existing full-time jobs and ensure the continued provision of a recycling and soil screening/storage facility in this area, which there appears to be demand for. However, the weight afforded to these benefits is reduced by the fact that the existing temporary permission at Swallow Court has just under five years left on it, in which time a more suitable alternative site could be found. With this in mind I consider that the loss of best and most versatile agricultural land is not outweighed by the social and economic benefits of the proposal and as such conflicts with Policy W16 of the WP.

Conclusion

12. For the reasons given the proposal would not accord with the development plan resulting in harm to the character and appearance of the surrounding area and loss of best and most versatile agricultural land. I have had regard to all matters raised, including the operational requirements of the business, but these do not override my findings on the above matters. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neal Jillings	Jillings Hutton Planning
David Disney	Appellant
John Luffman	John Luffman Group
Adam King	AECOM

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Boundy	Devon County Council
Melanie Croll	Devon County Council
Andrew Hill	Devon County Council

INTERESTED PARTIES:

Adam Pilgrim	Grand Western Canal Joint Advisory Committee
Leslie Findlay	Burlescombe Parish Council
Julie Evans	Minnows Touring Park
Isabel Holman	
Paul Braid	
P. S. Kelland	
Graham Kingdon	
Karen Harrison	
Janet Disney	
Peter Searle	
Esther Searle	
Julie Hill	
R C Hill	

DOCUMENTS SUBMITTED DURING THE HEARING

1. Grand Western Canal Conservation Area Plan