
Appeal Decision

Site visit made on 3 August 2016

by Andy Harwood CMS MSc MRTPI

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

Decision date: 22 August 2016

Appeal Ref: APP/K1128/W/16/3151595

South Barn, Gerston Lane to Rowden Cross, Collapit Farm, Collapit, Devon TQ7 3BB

- 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 and Mrs R Carson against the decision of South Hams District Council.
 - The application Ref 59/1456/F, dated 11 May 2015, was refused by notice dated 24 December 2015.
 - The development proposed is the erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, with particular regard to the natural beauty of the South Devon Area of Outstanding Natural Beauty (AONB); and
 - Whether this would be a suitable site for housing having regard to the need for housing, accessibility to services or other considerations.

Reasons

Character and appearance

3. The appeal site is a large, level area which forms part of the existing garden of South Barn. It is well maintained, mainly laid to lawn but there is a summerhouse on the northern side as well as various domestic items such as tables, chairs and a washing line. The proposal would be for a 'T' shaped, single storey dwelling that would be positioned centrally within the site with a garage, parking and turning area laid out behind it, to the north. The timber framed building would be of a simple, low form. The external materials would include the frame itself as well as timber weatherboarding and natural slate.
 4. South Barn is within a complex of what originally were farm buildings positioned lower down the valley side, partially contained to the west and north within the hillside. This complex includes the former farmhouse which the appellant confirms was converted into 2 dwellings in the 1970's. The site is at a much higher level than the ground floors of those buildings and is also raised
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up substantially from the carriageway of the public rural lane which runs passed the site. The first floor level of South Barn is around the level of the appeal site. The land behind, to the north slopes up gradually. Access to the site would be from a narrow, informal track to the western and northern sides of the site.

5. The public lane slopes substantially downwards passed the former farm buildings towards Collapit Bridge that crosses the creek. The creek joins into the Kingsbridge Estuary further to the east. On the opposite side of the creek, there are some other dwellings on the lower slopes of the valley. The surroundings of the site are very pleasant and rural. As one travels out of the creek-side valley, the area is dominated by the rolling hillsides. The fields are mostly within crop production and pasture, interspersed by the network of lanes with robust hedgerows including numerous mature trees. The rural scene is punctuated by occasional buildings, including some dwellings.
6. The dwelling would be higher at ground floor level than the existing buildings within the former farmstead. The establishment of a dwelling on the plateaux above those traditional buildings and on what is a garden largely devoid of substantial buildings at the moment would be an incursion of further residential development into the countryside. It would be beyond the extent of the farmstead and without the link to the traditional agricultural pattern of development within the area that the existing buildings have.
7. The hedge along the front of the site would help to interrupt views of the development from distanced view points and the natural hue of the proposed materials would help the building blend in. The lane is set at a lower level for much of the width of the site and this will make it difficult to see the building from the lowest parts of the lane. The site would not be prominent and the Council has not drawn attention to specific public vantage points within the wider countryside from where it could be seen. However, closer views would be possible from the upper levels of the dwellings within the former farm complex including South Barn, from the land to the rear outside of the appellant's ownership and glimpses would be possible on travelling downhill from the west passed the site. Furthermore, as the National Planning Policy Framework (the Framework) makes clear, it is necessary to recognise the intrinsic character and beauty of the countryside. The Framework also confirms that AONBs have the highest status of protection in relation to landscape and scenic beauty.
8. The position of the site and its use as a garden high up on the side of the hillside relative to South Barn has a limited impact upon the wider landscape given the conditions that I have described. The development would increase the intensity of residential use and therefore the amount of activity on the site. This is as well as the construction of the dwelling itself. The appellant refers to the possibility of permitted development rights being available for a large domestic outbuilding and an illustrative example has been provided. The Council has not disputed that a structure could be erected on the site. I do not have a Lawful Development Certificate under the provisions of section 192 of the act before me to confirm this. However, even if that type of building could be constructed without planning permission, it would need to have an on-going association with South Barn. It would not be as large as the proposal and would not lead to the intensification of domestic use because it would need to be used by the existing household. The establishment of another household

within a larger building would create more activity and potentially more obvious external impacts such as the increased use of the site by vehicles and additional domestic paraphernalia stored outside.

9. In relation to this main issue, the proposal would have a harmful effect on the character and appearance of the area that would not preserve the natural beauty of the AONB or the scenic beauty of the area. This would not comply with Policies DP2 and DP15 of the Development Policies Development Plan Document¹ (DPD) or Policy CS9 of the Core Strategy² (CS) or the Framework.

Other considerations

10. The Council has acknowledged that it cannot demonstrate a 5 year supply of deliverable housing sites. An additional dwelling would contribute to the supply of housing and I can give that benefit modest weight. The initial economic benefits of constructing a dwelling would also carry a small amount of additional weight. The Parish Council and some neighbouring occupiers have supported the proposal and this can be given a further small amount of weight. However, my finding that the development would not preserve the natural beauty of the AONB or the scenic beauty of the area means that this is a case where a specific policy in the Framework, at paragraph 115, indicates that development should be restricted. In these circumstances, in accordance with Paragraph 14 of the Framework, the fact that relevant policies are out of date is not, in itself, a reason to grant planning permission.
11. The appellant accepts that the site is clearly outside of the settlement boundary of Kingsbridge. There are, according to the appellant, 9 dwellings in the locality but the site is clearly within the countryside. Kingsbridge and West Alvington are each stated by the appellant as being 1.1 miles from the site. Traffic levels may be low within the network of roads nearby. However the roads are narrow, steep in places and unlit near to the site. These conditions would make it challenging for most people living at the site to walk or cycle along them all of the time.
12. It may be possible to walk to Kingsbridge during good weather, in bright conditions. Reference has been made by supporters of the proposal, to that settlement being a half an hour walk or 10 minute cycle ride away. Some active, fit people may be able to walk or cycle regularly to that and other settlements. Children may be able to walk occasionally to their schools. However, most prospective residents would be likely in my view to rely upon private vehicle use to reach such services and facilities most of the time, increasing the use of less sustainable transport options. Given the distances involved as well as the condition of the lanes, the site is clearly isolated from infrastructure and community facilities in my opinion. This is contrary to policies within the Framework that seek to avoid new isolated homes in the countryside.
13. Highly specified insulation and photovoltaic panels would make the dwelling energy efficient and rainwater would be harvested for re-use. These attributes would limit the environmental harm in those terms rather than being a positive benefit and would not compensate for the remote rural location. The proposal

¹ South Hams Local Development Framework, Development Policies, Development Plan Document, adopted July 2010

² South Hams Local Development Framework, Core Strategy, adopted December 2006

would not cause any harm to the living conditions of other occupiers within the farmstead and there would be no adverse highway safety issues at the junction of the private track with the public road. However, the lack of harm in these respects is a neutral factor. Even if the site can be considered to fall within the definition of previously developed land this is not an advantage of the scheme given its location.

14. In relation to the second main issue, even taking account of the modest benefit that the dwelling would make to the supply of housing within the area as well some limited economic benefits and community support, the proposal within an isolated countryside location is not justified by any special circumstances. The proposal would not comply in these respects with DPD Policies DP2 and DP15 or CS Policies CS1 and CS9 and would not constitute a sustainable form of development in terms of the advice within the Framework.

Conclusion

15. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR