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## Appeal Decision

Site visit made on 13 December 2016

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

**Decision date: 19 December 2016**

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**Appeal Ref: APP/Y1138/W/16/3150890**

**Green Acres Farm, Frogberry Cross, Coldridge, Crediton EX17 6BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Edward Claye against the decision of Mid Devon District Council.
  - The application Ref.16/00190/OUT, dated 11 January 2016, was refused by notice dated 11 April 2016.
  - The development proposed is to build a 3 bedroom dwelling.
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### Preliminary Matter

1. The originating application was made in outline with all matters reserved for future determination. I have dealt with the appeal on a similar basis.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The Council refused planning permission for three reasons. That relating to air quality has not been pursued by the Council. The reason relating to open space has been dealt with through a planning obligation and a financial contribution. In that context, the main issue to be considered is whether the proposal accords with the approach of the development plan and national policy to new housing in the countryside and if not, whether there are any good reasons to depart from that approach.

### Reasons

4. Following on from the strategic approach to development and, in particular housing, set out in Policies COR 1 and COR 12, Policy COR 18 of the Mid-Devon Local Development Framework Core Strategy 2026<sup>1</sup>, adopted in July 2007, deals with development in the countryside. It says that outside the settlements defined by Policies COR 13 – COR 17, development will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. In relation to housing in the countryside, CS Policy COR 18 permits affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker, and accommodation ancillary to an existing dwelling.

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<sup>1</sup> Referred to hereafter as CS

5. Paragraph 55 of the National Planning Policy Framework<sup>2</sup> sets out that isolated homes in the countryside should be avoided unless there are special circumstances to justify them.
6. There is no good evidence that the new dwelling proposed would fall under any of the classifications set out in CS Policy COR 18, or that any of the special circumstances set out in paragraph 55 of the Framework would apply. On that basis, I can but conclude that the proposal fails to accord with CS Policy COR 18, and the strategy set out in CS Policies COR 1 and COR 12, and national policy as set out in the Framework.
7. The reasoning behind this policy approach is, in simple terms, to ensure the environmental qualities of the countryside are protected. The appellant suggests that a dwelling on the site would be more attractive than the mobile home and container currently in place. However, as the result of an Enforcement Notice issued by the Council, upheld on appeal<sup>3</sup>, the mobile home and the container will be removed in the relatively near future. In any event, it appears to me that a dwelling on the site would bring a permanent residential presence that would appear sporadic, notwithstanding the row of existing dwellings opposite, and harmful to the character and appearance of the area.
8. It may well be that the appellant would prefer to continue living on the site, and contributing to local community but to my mind, that is an argument that could oft be repeated to the overall detriment of the countryside. It does not justify setting aside the approach of the development plan, or the Framework.
9. For the reasons given above I conclude that the appeal should be dismissed.

**Paul Griffiths**

**INSPECTOR**

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<sup>2</sup> Referred to hereafter as the Framework

<sup>3</sup> APP/Y1138/C/16/3150888