
Appeal Decision

Site visit made on 9 January 2017

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 09 February 2017

Appeal Ref: APP/X1118/W/16/3157310

Higher Slade Cottage, Higher Slade, Ilfracombe, Devon EX34 8LJ

- 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 & Mrs Hanshaw against the decision of North Devon District Council.
 - The application Ref 61045 dated 8 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is subdivision of dwelling to form 2 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, whether the additional dwelling would occupy an accessible location and secondly, the effect of the proposal on highway safety at the junction with the B3231.

Reasons

3. The appeal building is a Grade II listed former farmhouse with a barn to the rear now converted to residential accommodation. The house and barn are linked via a semi-enclosed lean-to. The proposal would block the connecting doorway between the barn and the lean-to by the insertion of a timber panel. Listed building consent has been granted by the Council for these works. Given the limited extent of the alterations and their location I have no reason to disagree with the conclusion that the special interest of the listed building would be preserved.

Location

4. The appellant makes no case that what would amount to the creation of a new dwelling in the countryside is justified on the basis of meeting an essential need for a rural worker to live at or near their place of work, or by reference to any other of the special circumstances referred to in paragraph 55 of the National Planning Policy Framework (the Framework). As such it would conflict with criterion A of Policy ENV1 and the requirements of Policies HSG9 and HSG9A of the North Devon Local Plan (LP) 2006 which permit new dwellings in the countryside only where they are essential to provide accommodation for rural workers.
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5. The appeal building forms part of a small cluster of dwellings in the countryside at some distance from Ilfracombe. Occupiers of the dwellings would need to travel to Ilfracombe or other larger settlements to access shops and services. The road to Ilfracombe is largely without a footway and those returning to the appeal site would need to travel up a steep hill. It is very unlikely in these circumstances that occupiers would choose to walk to Ilfracombe and no evidence of a bus service has been submitted. The appellant does not dispute that occupiers would be dependent on private cars for day to day travel to and from their home and I conclude that this would be the case.
6. I note that the proposal would not involve the creation of a new building and that the barn is already in residential use and currently occupied by the appellants' daughter and her family. However, planning permission granted for a separate dwelling would be permanent, whilst personal family circumstances change over time. The dwellings could be occupied in the future by unrelated households. In these circumstances the potential for shared journeys to shops and facilities, and for social activities, would be substantially reduced. Further the appellants make the point that, before they left home, other of their children also had cars. The proposal would create a situation where two households on the site could have children with cars, resulting in a considerably greater number of car journeys to and from the site. In the absence of special circumstances to justify residential development in this location as set out above, permission for an additional dwelling would therefore run counter to the objectives of the Framework to move to a low carbon future and support the use of sustainable modes of transport.
7. The appellant has suggested that conditions could be imposed requiring shared use of the existing septic tank and garden, and preventing separate ownership of the two dwellings. These would not however serve to control the number journeys by private car that would arise from occupation of the additional dwelling. As a result they would not be effective in overcoming the harm that would arise from the appeal proposal.
8. I understand the appellants' wish to provide accommodation for their daughter and her family in an area where affordable housing is hard to find. These private desires are not sufficient however to outweigh the wider public interest which planning policy seeks to protect.
9. I conclude overall therefore that the proposed development would occupy a location in the countryside with poor access to services and facilities where occupiers would be dependent on private vehicles to meet their day to day needs. No special circumstances have been demonstrated to justify an additional dwelling in this location and as such the proposal would be contrary to LP Policies ENV1, HSG9 and HSG9A, paragraph 55 of the Framework and the objectives of the Framework to move to a low carbon future and support the use of sustainable modes of transport.

Highway safety

10. Visibility in both directions at the junction of the lane serving the appeal site with the B3231 falls significantly short of the standards set out in Manual for Street 2 posing a risk to the safety of road users. As set out above it is reasonable to conclude that the proposed development would give rise to a significant increase in vehicle movements coming and going from the site, if not in the immediate future, then in the longer term. Additional vehicle

movements through this sub-standard junction would result in a commensurate increase in risk to the safety of road users contrary to LP Policy TRA6 which states that development will only be permitted where highway safety is not harmed.

Conclusion

11. For the reasons given and having had regard to all matters raised, I conclude that the appeal should be dismissed.

Olivia Spencer

INSPECTOR