
Appeal Decision

Site visit made on 17 January 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 15th February 2017

Appeal Ref: APP/U1105/W/16/3159651

Boveys Down Farm, Farway, Colyton, Devon EX24 6JD

- 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 Sweetland Country Fare against the decision of East Devon District Council.
 - The application Ref 16/1759/FUL, dated 1 August 2016, was refused by notice dated 5 September 2016.
 - The development proposed is the conversion of a lean-to agricultural barn to form a tea room with associated ground engineering works, and the relocation of stores to extend an existing car parking area.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a lean-to agricultural barn to form a tea room with associated ground engineering works, and the relocation of stores to extend an existing car parking area at Boveys Down Farm, Farway, Colyton, Devon EX24 6JD in accordance with the terms of the application, Ref 16/1759/FUL, dated 1 August 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: 289/21, 289/22, 289/23, 289/24, 289/25, 289/26, 289/27, 289/28, & 289/29.

Main Issues

2. The main issues are whether the development would harm the character and appearance of the area and whether it would be appropriate in this remote rural area inaccessible by public transport.

Procedural Matter

3. The conversion of the northerly barn to the tea room has already occurred but the relocation of the free standing cold stores behind the front elevation of the southerly barn and the associated engineering work have not yet been done. Hence part of the development is retrospective and part is proposed.

Reasons

Character and Appearance

4. The appeal site is in a remote rural location within the East Devon Area of Outstanding Natural Beauty (AONB) and is inaccessible by public transport. It is part of a small holding, which derives its income from a combination of beef
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farming, camping and caravanning, a venue for woodland weddings, a catering business supplying farmers markets and events as well as the tea room the subject of this appeal, which is located next to the commercial kitchen.

5. The farm buildings comprise two barns beside each other adjacent to a flat car parking area within which are the two free standing cold stores and, at a lower level due the slope of the land to the north, two mobile homes linked by a covered canopy the largest of which is currently inhabited by Mr & Mrs Sweeting. To the east of the car parking area is a shower and toilet block for the campsite. These buildings are accessed via a gravelled track about 130m long, which slopes down from the road to the barns through the campsite fields.
6. Due to the slope of the land the barns cannot be seen from the road and are further shielded by a Devon bank and trees and shrubs at the side of Seaton Road. The retrospective elevational alterations to the barn now occupied by the tea room cannot be seen unless you are standing in the parking area or facing its northern elevation and in any case are quite appropriate and in keeping with the character and appearance of the adjacent barn used as the commercial kitchen. The relocation of the existing cold stores to the side of the southern barn would involve some minor cutting into the adjacent bank but similar acceptable 'cut and fill' has already occurred in accommodating the barn itself and would not be seen from any wider viewpoints in the AONB.
7. For these reasons I conclude that the development, both retrospective and proposed, do not and would not harm the character and appearance of the area. It would comply with Strategy 46 (Landscape Conservation and Enhancement of AONBs) of the East Devon Local Plan 2013-2031 (LP), which requires development to conserve and enhance the quality and local distinctiveness of the natural and historic landscape character of East Devon, in particular in AONBs. It would comply with paragraph 115 of the National Planning Policy Framework (NPPF) for the same reasons.

Location

8. LP Strategy 7 states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape.
9. LP Policy D8 states that the re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted subject to a number of criteria, including that the conversion is in keeping with its surroundings. I have already concluded this to be the case. Criterion 1 also requires that the new use is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
10. The site is only accessible by private vehicles but the tea room is designed to cater for campers and caravaners at the farm and passing trade; the former merely stroll down to the tea room from their adjacent pitches. The limited floor space of the tea room is unlikely to attract many specific car trips especially given the farm's remote rural location. The A3 use appears to be relatively low key and merely a way of further diversifying this small farm business by adding to its income stream. It would not in my judgement

substantively add to the need to travel by car and so would comply with this aspect of Policy D8, and with LP Policy TC2 which also requires new development to be generally accessible by sustainable transport modes.

11. Criterion 5 of Policy D8 states that the proposal should not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function. The Council questions why an extension to the southerly barn was necessary because it claims that the tea room barn could have been used instead. However, that permission (which is still extant)¹ was no doubt considered on its own merits and found to be acceptable by the Council and does not constitute a reason for preventing further diversification on this farm that would not result in any harm.
12. LP Policy E5 states that in villages and rural areas small scale economic development (not including retail use classes/other uses in Classes A1 – A4) and expansion of existing businesses designed to provide jobs for local people will be permitted subject to a number of criteria which are satisfied by this development. The proposal provides a Class A3 use but that is a diversification or expansion of an existing rural business and so I conclude that it would comply with this Policy in the round.
13. For these reasons the development would be appropriate in this remote rural area inaccessible by public transport and does and would meet the requirements of the above development plan policies, as well as paragraph 28 of the NPPF.

Conditions

14. Besides the above condition listing the approved plans, which is necessary to provide certainty, the Council has also suggested a condition specifying when the development was implemented. However, that is unnecessary because Section 3 of the application form confirms that the use started/works commenced on 8 February 2016.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Nick Fagan

INSPECTOR

¹ 15/1344/FUL