
Appeal Decision

Site visit made on 26 June 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 20 July 2017

Appeal Ref: APP/U1105/W/16/3165619

Barn to the east of Westwater House, Road from Tolcis to Four Cross, Westwater, Axminster EX13 7JD

- 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 Mark Hurford against the decision of East Devon District Council.
 - The application Ref 16/1622/FUL, dated 8 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is change of use of barn to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the proposed development on the character and appearance of the surrounding area, including the Blackdown Hills Area of Outstanding Natural Beauty ("the AONB"); and
 - (ii) whether the site offers an acceptable location for the proposed development, having regard to its accessibility to local facilities.

Reasons

Policy context

3. Strategy 7 of the East Devon Local Plan 2013 - 2031¹ (LP) restricts development in the countryside other than in a limited number of defined circumstances. These include 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, amenity and environmental qualities of the area within which it is located. LP Policy D8 is one such policy and permits the re-use or conversion of buildings in the countryside subject to a number of criteria including where they enhance the rural setting, the character of the building and the surrounding area and would not substantially add to the need to travel by car.
4. In addition, LP Policy D1 seeks to ensure that new development is of high quality design and permits development only where, amongst other things, it

¹ Adopted 28 January 2016.

respects the key characteristics and special qualities of the area in which it is located. Furthermore, Strategy 46 aims to conserve the natural and historic landscape character of East Devon and in particular its AONB's. Development will only be permitted where it conserves and enhances the landscape character of the area and does not undermine landscape quality.

Character and appearance

5. The appeal site is situated outside any recognised settlement and falls within open countryside for planning purposes. It is located around 2km from Axminster within the AONB and sits adjacent to a narrow unclassified country road. The site itself is generally open and visible within the landscape. The appeal property consists of an open-fronted, brick built, barn with a steep pitched roof which is presently used for storage. It is accessed via an existing field gate and, unlike most residential dwellings in this part of the AONB, it is visible from the road. In view of its agricultural appearance it integrates well into this rural and sensitive landscape.
6. The proposal would involve the conversion of the existing barn to a single two storey residential dwelling. The Council accepts that the overall design would not be harmful to the landscape. However, it is concerned that the introduction of a domestic curtilage would inevitably result in the addition of domestic paraphernalia which would detrimentally and irreversibly alter the agricultural character and appearance of the site and negatively impact on this part of the AONB.
7. These concerns are well founded. Paragraph 115 of the National Planning Policy Framework ("the Framework") advises that great weight should be given to conserving landscape and scenic beauty in AONB's. In view of its location on the junction and the open nature of the roadside boundary, the addition of domestic items and furniture to the site would be clearly visible from the road. Likewise, in view of its visibility within the wider landscape, such additions would erode the agricultural character of the site which would detract from the overall scenic beauty of the landscape. Although I accept that, with suitable screening, the level of harm associated with these additions could be reduced, there is little information available which would demonstrate that such screening itself would not be harmful to the open nature of the surrounding landscape. Without such information, I cannot be certain that any such screening could provide suitable mitigation for the resultant harm.
8. Consequently, I find that the proposal would negatively impact on the landscape and scenic beauty of the AONB and would be harmful to its character. As such, it would be contrary to LP Strategy 46 and LP Policy D1. It would also fail to enhance the rural setting and character of the building and surrounding area, and in this sense would also be contrary to LP Policy D8.

Location

9. Turning then to its location, in view of its distance outside the nearest settlement boundary access to services by future occupants would be considerably limited. Although there are a small number of other properties located nearby, no services are evident in the immediate vicinity and it appears remote from wider settlements.

10. Furthermore, while I note the appellant's assertion that Axminster can be reached on foot in around 20 minutes, the surrounding road network consists of narrow, unlit rural lanes with few footways or verges. This, together with the lack of lighting, would positively discourage walking and cycling and would result in access to even basic services being heavily reliant on car use. Similarly, the lack of any nearby bus stop is a further indication that the proposal would not provide sustainable transport opportunities or offer real choice to future occupiers. While opportunities to maximise sustainable transport solutions will vary from urban to rural areas, this heavy reliance on car use would be contrary to LP Policy D8 as well as the advice set out in the Framework which encourages sustainable transport opportunities that offer real choice to future occupiers.
11. There are a number of other residential dwellings located nearby. While I accept that the occupants of these dwellings must access services from the surrounding area, that does not provide sufficient reason to overcome the policy objection to a new dwelling in the countryside. While I note the arguments advanced by the appellant, including the ability to have groceries delivered, no robust evidence has been submitted which would indicate that there are any special circumstances present that would justify the granting of permission for the development proposed.
12. Consequently, I find that the proposal would be isolated from nearby services and would not provide suitable opportunities for sustainable transport. As such, it would not offer an acceptable location for the proposed development and would be contrary to LP Strategy 7 and LP Policy D8 both of which restrict new development in the countryside other than in a limited number of defined circumstances.

Other matters

13. The appellant has suggested that many rural buildings are in locations that are not adjacent to settlements and has pointed to the Planning Practice Guidance on permitted development rights which indicates that there is no test of sustainability for conversions falling under that Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015. However, those permitted development rights are restricted to a particular class of buildings. If the circumstances leading to Class Q permitted development rights are present in this case, it is open to the appellant to make an application for prior approval in accordance with that regime. However, on the evidence before me, I have seen nothing which would indicate that the appeal property would satisfy the Class Q requirements or that the exclusion of a test of sustainability would apply to the present proposal.
14. The appellant has also referred me to a previous appeal decision² where the inspector granted planning permission notwithstanding that there was no footpath between the appeal site and the village centre. However, as the appellant acknowledges, the distance involved in that case was shorter and, although I do not have full details, it is unlikely to be directly comparable to the appeal site.
15. In reaching my conclusions, I have taken account of the various representations submitted by the occupiers of nearby properties. However,

² Ref APP/D0840/A/14/2223175.

while I note that there is some support locally for the proposal, this does not overcome the policy objections identified above.

Conclusion

16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR