
Appeal Decision

Site visit made on 11 July 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 26th July 2017.

Appeal Ref: APP/W1145/D/17/3176217

Owls Barn, Plymleigh Farm, Chilla, Beaworthy, Devon, EX21 5XE

- 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 N Bromell against the decision of Torridge District Council.
 - The application Ref 1/0005/2017/FUL, dated 23 December 2016, was refused by notice dated 1 March 2017.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether the proposal is tantamount to a new dwelling in the countryside, and if so whether it can be supported by national policy and the development plan, which seek to protect the countryside from sporadic development.

Reasons

3. Owls Barn is a converted barn immediately to the north-west of Plymleigh Farm. It lies on the periphery of a small group of properties which straddle the secondary road from Graddon Cross to Chilla Methodist Church, about 1.9 kilometres to the north-east of the settlement of Halwill Junction. All of these properties, including Owls Barn, are in the open countryside, outside a designated settlement. The access shown on the submitted plans is via an existing driveway to the east, which gains access/egress to the main road at a point where a public right of way, running to the east of the property, also joins the main road. However, I noted at the site visit that an alternative access runs to Owls Barn via the curtilage of Plymleigh Farm.
4. The appeal property originally had permission for a holiday let; the holiday occupancy condition was removed in 2015 to allow the property to be used as an annex to the main house. The appeal proposal would, by increasing the size and scale of the building, change the status of the property from an annex for a dependent to a self-sufficient new dwelling, which would be no longer ancillary to the main house. Although the Appellant clearly wishes to remain living at Owls Barn in order to continue her relationship with her parents who live in the main dwelling, the granting of planning permission would open the door to the occupation of the property by a separate household to the main house.

5. The proposal is therefore tantamount to a new dwelling. As such, it is subject to policy DVT2C of the Torridge District Local Plan. This policy is in line with national policy, as expressed in paragraph 55 of *the Framework*¹, which states that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances. In my view, none of these 'special circumstances' apply to the appeal proposal; both the Local Plan policy and *the Framework* specifically state that in the countryside, residential conversions will not be permissible, with the exception of a few types of development, primarily relating to agriculture and business, and the appeal proposal cannot be justified on these exceptional grounds as set out in national and local planning policy.
6. Although the appeal property is located on the edge of a small cluster of buildings, it is regarded as isolated because the area is outside a settlement which has a designated boundary in the Local Plan, and it is therefore, in planning terms, rural. The nearest facilities, such as schools, shops and other community services are some distance away, and additional car generation from an unsustainable location would therefore be likely. Whilst these considerations might not all apply to the existing occupier of Owls Barn, future occupiers of the dwelling would be likely to place additional demands on the highway network and possibly set a precedent for other similar development proposals in the area, contrary to the aims in national and local policy to protect the intrinsic character and beauty of the countryside and to prevent sporadic, unsustainably located development in such an area.
7. The Appellant has drawn my attention to another barn conversion in the District and the shortage of affordable housing in the locality. I do not have the details of the decision referred to, and it would therefore not be appropriate for me to draw definite parallels between the two cases, which limits the weight I can give to this consideration. Even if a shortage of affordable housing were to have been demonstrated, I am not persuaded that the isolated location of the appeal property would be justified for this type of development. Moreover, the proposal is not for affordable or low cost housing. The age of the barn conversion is also cited as a supporting factor, but this is not a relevant material consideration in relation to this appeal.
8. Whilst I note the Appellant's comments about the shortage of space for a range of facilities that would be appropriate for someone living in their separate, free standing accommodation, in my view, the size and configuration of the existing property is entirely commensurate with its function as an annex to the main property.
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

¹ National Planning Policy Framework (*the Framework*); March 2012.