



Appeal Decision

Site visit made on 4 July 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 17th August 2017

Appeal Ref: APP/U1105/W/17/3173642

Platts Farm, Colhayne Lane, SHUTE EX13 7QQ

- 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 P Rugg against the decision of East Devon District Council.
 - The application Ref 16/1963/FUL, dated 11 August 2016, was refused by notice dated 5 October 2016.
 - The development proposed is demolition of agricultural buildings and change of use of part of one agricultural building to a single residential use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposed development on the character and appearance of the East Devon Area of Outstanding Natural Beauty (AONB); and whether the proposal would be consistent with the principles of sustainable development in respect of accessibility having regard to the National Planning Policy Framework (The Framework) and the Development Plan.

Reasons

Character and appearance

3. Approximately midway between Axminster and Honiton the appeal site lies within attractive undulating countryside, close to but set below the level of the main road (A35) and accessed by a steep narrow lane. The land falls away to the South, and is visually prominent in the landscape within the northern fringes of the AONB. Development here is sporadic though typical of the dispersed development characteristics in the area.
4. The site comprises a range of disused utilitarian farm buildings and a grain hopper. The proposal involves the retention and alteration of a monopitched corrugated roofed building raising the height to form a flat planted "green" roof with a deep overhang. The rendered block walls would be timber clad with predominantly glazed openings within existing apertures. Whilst this simple approach to the treatment of the building would improve the current appearance, as would the removal of other farm buildings on the site, the conversion would be highly prominent in the AONB. It would be seen as an isolated dwelling unrelated to other buildings. The nearest dwelling, the original farm being located 80 metres to the South.

5. The appellants focus on the provisions of paragraph 55 of the Framework to support their appeal highlighting the enhancement of the setting of the buildings. However replacing the buildings with domestic curtilage, with the parking of cars and other associated domestic paraphernalia would also impact on the character and appearance of the site and the wider countryside. On a highly prominent site, such as this, it would change the appearance of the site which would be at odds with, rather than enhance, the prevailing rural character of the AONB in a location which the Framework highlights as having the highest status of protection in relation to landscape and scenic beauty.
6. The appellant acknowledges that the development is in conflict with Policy D8 of the East Devon Local Plan (2016) (The Local Plan) which restricts the location of new dwellings however argues that the proposal would conform with objectives in Strategy 46 which aim to protect the countryside and improve landscape setting, also relying on paragraph 55 of the Framework to support his proposal as sustainable development. However the Framework also makes it very clear (in paragraph 11) that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise¹. The duty under section 38 (6) is not displaced or modified by the framework and whilst improving landscape settings is an important objective so too is the protection of the character of the AONB which is afforded the highest level of protection and as such has great weight.
7. The conversion would appear as intrusive within the open landscape, and have an urbanising effect incompatible with the rural surroundings and harmful to the AONB. This would be in conflict with Strategies 7, and 46 and Policy D8 of the Local Plan and the objectives of the Framework. These policies seek, amongst other things, to conserve the character and local distinctiveness of the AONB and protect the visual quality of the environment.

Accessibility

8. Policy D8 of the Local Plan specifies that conversions will be permitted where they are located close to accessible services and do not substantively add to the need to travel by car. This location is isolated from facilities, located over 2.8 kilometres from the nearest village and approximately 5 kilometres away from both Honiton and Axminster. As a result future occupiers would be isolated from facilities and reliant on the use of private motor vehicles. Isolation in the context of the framework also relates to the degree of separation between new dwellings and infrastructure and community facilities in which regard this site is poorly served. These factors weigh against the proposal.
9. The Framework highlights that houses in rural areas should be located where they would facilitate the use of sustainable modes of transport, and the need to avoid new isolated homes in the countryside which is not the case here. The appellant argues that the development is in accord with paragraph 55 of the Framework which contains no requirement to assess the location where special circumstances such as the re-use of redundant or disused buildings apply. However the Framework has to be read as a whole and applications should be decided in accordance with the development plan with the Framework being

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

considered in the overall balance of the issues. In this case there are clear and substantive issues which weigh against the development. The circumstances outlined by the appellant in improving the quality of the site by the removal of disused farm buildings are not sufficient to determine the application other than in accordance with the development plan and they do not outweigh the harm which has been identified.

10. For the above reasons the proposal is not sustainable development and as such is in conflict with Strategy 7 and Policy D8 of the Local Plan and the objectives of the Framework which together seek to protect the countryside from development which is inaccessible or which does not facilitate the use of sustainable transport.

Other Matters

11. The appellant has suggested that it would have been open to the Council to restrict permitted development rights in order to ensure to control the degree of domestication and highlights that this provision is also open to me to impose as decision maker. However this would not prevent domestication of the site or prevent the proliferation of items which in themselves would not require planning permission and as such would not sufficiently protect the AONB.
12. The appellant highlights that the site was a working farm and involved the comings and goings of all manner of vehicles. That may be so but it is to be expected that working agricultural units will have the need to utilise agricultural machinery which would have been part and parcel of the farm activity which is to be expected in rural locations. The premise that a less frequent and lesser number of vehicles would not lead to appreciable harm, is not sufficient to outweigh the harm which has been identified.

Conclusions

13. Whilst the provision of an additional unit of accommodation would result in a modest contribution to the provision of housing in the district it should not be at the expense of housing that is inappropriately located or which is harmful to the character and appearance of the AONB. Notwithstanding the visual benefit to the countryside which would accrue from the removal of the old redundant buildings supported by Paragraph 55 of The Framework the harm to the appearance of the site and the lack of adequate accessibility to services and facilities significantly and demonstrably outweigh the benefits arising from the scheme.
14. For the above reasons and having taken all other matters into account, the proposal should be dismissed.

Janet Wilson

INSPECTOR