
Appeal Decision

Site visit made on 2 October 2017

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

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

Decision date: 11th December 2017.

Appeal Ref: APP/W1145/W/17/3179583

Braddon Farmhouse, Ashwater, Beaworthy, Devon EX21 5EP

- 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 George E Ridge against the decision of Torridge District Council.
 - The application Ref 1/1139/2016/FUL, dated 7 November 2016, was refused by notice dated 8 March 2017.
 - The development proposed is the conversion of a redundant shed to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The lengthy description of the proposal used in the application is woven into the accompanying planning statement and for the sake of brevity I have adopted the description used in the Council's decision notice.

Main Issues

2. The main issues are:
 - i) whether the proposed dwelling would be suitably located having regard to:
 - a) the effect of the proposal on the character and appearance of the countryside;
 - b) whether the occupiers of the proposed dwelling would have satisfactory access to services and facilities; and
 - c) local and national policies concerning residential development in the countryside;
 - ii) whether the site would be provided with adequate water and drainage, and,
 - iii) the planning balance having regard to the inability of the Council to demonstrate a 5 year supply of housing land.

Reasons

Whether the site is suitably located

3. A preliminary matter is the extent to which the proposal is a conversion of an existing building or the erection of a new dwelling. The proposal is accompanied by a structural report which concludes that the existing structure, despite its unorthodox construction, is capable of being converted to a dwelling. There is no evidence to refute this. However, the proposal would also add a porch, a conservatory and a significant extension, the latter in itself being larger than the existing building. Taken together, the additional elements amount to an increase of almost 150% over the existing floorspace, with the existing building forming a subordinate component. In view of the extensive amount of new building involved, I consider that the proposal should be treated as the erection of a new dwelling.
4. The site lies to the south of Braddon Farmhouse, and to the west of another dwelling. To the south and west is forestry land. The site lies adjacent a group of five dwellings, four of which are grouped around a courtyard, whilst to the east, served by a separate access spur is a further more dispersed group of 3 dwellings. Two other dwellings lie somewhat further away. The properties are all served by a private drive which leads to the public highway some half a mile away.
5. Adopted Torridge District Local Plan (DLP) Policy DVT2C deals with development in the open countryside, and says that in the countryside away from the villages, development should not detract from the character and appearance of the area, and that subject to the above general consideration, certain types of development will be allowed, none of which, in my view, are relevant to the proposal.
6. Whilst the site is on the edge of a small cluster of dwellings, it is located well away from any settlement, and is surrounded by woodland and agricultural land. I consider that it lies within the open countryside to which Policy DVT2C applies. The proposal would result in an increase in built development, which along with the accompanying domestic use of the curtilage and the usual garden landscaping and domestic paraphernalia that would ensue, would erode the rural character of the area, further extending residential development into the countryside. I accept that the proposed dwelling and garden would not be visible from any public place, but they would be seen from nearby houses as an incursion into the countryside. I find that the proposal would conflict with Policy DVT2C.
7. Accessibility to services, facilities and employment from the site other than by car would be poor. The only public transport is a one day a week bus service from the main road, and the appellant acknowledges that bus services throughout the area are neither frequent nor convenient enough to avoid the need to use a car. The National Planning Policy Framework (the Framework) seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and whilst in rural areas, the ability to do so may be more limited than in urban areas, the remoteness of the site from the public highway and any facilities other than a once a week bus service means that occupiers would have a heavy reliance on travel by car, and those without access to a car would be socially isolated.

8. Paragraph 55 of the Framework says that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated houses should be avoided other than in special circumstances which do not apply here. Whilst I recognise that it is a finely balanced judgement, I consider that the cluster of dwellings is too small and dispersed to form a community or settlement in its own right, and although the presence of nearby dwellings would ensure that the proposed dwelling was not isolated, the proposal would not be located where it would enhance or maintain the vitality of any rural community.
9. It would also conflict with the core objective referred to in paragraph 17 of the Framework to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
10. I therefore conclude on the first main issue that the proposal would not be suitably located, having a harmful effect on the character and appearance of the countryside, poor accessibility to services and facilities and would conflict with the local and national policies referred to above.

Water supply and drainage

11. The existing houses are served by three sources of water; a borehole, a private well and back-up from the mains water supply. There have been reported problems of equipment reliability resulting in interruptions to the water supply, since when the appellant has altered the supply arrangements so that the 3 eastern-most dwellings are supplied directly from the mains supply, reducing the workload on the private supply.
12. As there is no difficulty in ensuring that there would be a supply of water to the proposed dwelling, I consider that this matter could be left to be dealt with by condition if the appeal were to have been allowed. I note the concerns expressed by neighbours about the safety of the water supplied through the private system, but the appellant has provided evidence that a February 2017 analysis found it to be safe, and on-going testing is the responsibility of the Council, and can be regulated under other legislation, and so this is not a reason to withhold permission
13. In respect of foul drainage, the appellant says that he is open to a number of solutions including a private sewage effluent and treatment plant. In the absence of any evidence of flood risk concerns, and given the large area available to site a treatment plant, away from water supplies or dwellings, I consider that this is a matter that could be left to subsequent approval through the imposition of conditions.
14. I therefore conclude that the proposal would be provided with adequate water and drainage, and would not conflict with LP Policy DVT24 which deals with such matters.

Planning balance

15. The Council accepts that it cannot demonstrate a 5 year supply of housing land, plus an appropriate buffer, in which case the provisions of paragraph 14 and 49 of the Framework come into play. Their effect is to provide that where a 5 year supply cannot be demonstrated, the policies for the supply of housing are out of date, and therefore permission should be granted unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

16. There are no Framework policies that indicate that development in this case should be restricted, and therefore the “tilted balance” applies. I have not been told what the extent of the housing supply shortfall is, but one additional dwelling would make the smallest possible contribution to the housing supply, and, at best, the social benefit of doing so could only carry moderate weight. There would also be economic benefits arising from the construction and subsequent occupation of the dwelling, in terms of employing local labour, the purchase of materials and the payment of Council Tax and the New Homes Bonus.
17. However, against this is the environmental harm I have found in respect of character and appearance, the poor accessibility that occupiers would have to services and facilities and the conflict with the development plan. Cumulatively these adverse impacts clearly and demonstrably outweigh the benefits of the proposal, and thus the proposal does not amount to sustainable development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Conclusion

18. For the reasons given above the proposal is unacceptable and the appeal should be dismissed.

JP Roberts

INSPECTOR