

Appeal Decision

Site visit made on 22 March 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2019

Appeal Ref: APP/K1128/W/18/3218561

Land adjacent Yeo Cottage, Totnes, Devon

- 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 Mrs Costa against the decision of South Hams District Council.
 - The application Ref 2461/18/FUL, dated 24 July 2018, was refused by notice dated 23 October 2018.
 - The development proposed is described as a new dwelling house and coach house on a green field site, adjacent to the occupants small holdings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the documents submitted with the appeal include a variety of addresses for the appeal site, the revised application form and the Council's Decision Notice have a similar address for the site. I have taken this address for the appeal site.
3. Since the Council's decision on the planning application, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 (JLP) has been adopted. For the purposes of decision making, the JLP is now the development plan. The main parties were given the opportunity to comment on this, and I have taken the comments received into account in my decision.
4. An updated version of the National Planning Policy Framework (the Framework) was published in February 2019. However, as the policies that are material to this case have not materially changed from the 2018 version, I have had regard to the 2019 Framework in reaching my decision. I am satisfied that this has not prejudiced either party.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the surrounding area and whether there is an essential need for a rural worker.

Reasons

Character and appearance

6. Containing some trees and vegetation, the site consists of a field and forms part of the surrounding agricultural fields and open countryside. In agricultural

- use and not containing any built form, the site contributes to the surrounding area's sparsely developed character and rural appearance. It is accessed off an unnamed highway running along the site's southern boundary, while Plymouth Road is to the north.
7. The surrounding area contains some scattered development, including on the opposite side of Plymouth Road, Yeo Cottage to the west, and some other properties and buildings situated to the south-west of the site and around the road junction to the west. However, the site's location and boundary treatment, including relatively large hedgerows, means that it is physically and visually separated from these.
 8. Given the site's location, its separation from existing built form and the proposed dwelling's unambiguously domestic appearance, the development would introduce a domestic use and character into the surrounding rural, agricultural landscape. The appellant has sought to limit the building's height, and the established hedgerows would provide some screening and thus limit views of the development. However, it would be visible from the surrounding area, including from the countryside to the east, from the site's access off the unnamed highway, along Plymouth Road where the land rises to the north-east, and in glimpsed views through hedgerows. Consequently, it would be experienced from the surrounding area as an incongruous, domesticating feature that would be out of keeping with the character and appearance of the site and its clear connection with the surrounding undeveloped countryside.
 9. I acknowledge that the use of stone and slate would reflect local rural built form, and the height of the dwelling and garage would be less than other buildings in the surrounding area. However, the building's design and appearance, including its mono-pitched roof and significant areas of glazing on its east elevation, would be out of character with the predominant built form found in the area, including cottages and isolated farms and farmhouses. The presence of the modern timber-clad house nearest the site does not lead me to a different conclusion.
 10. For the above reasons, I conclude that the development would harm the character and appearance of the surrounding area. I therefore find that the proposal fails to accord with Policy DEV23 of the JLP. Amongst other aspects, this requires development to conserve and enhance landscape character, respect scenic quality and reinforce local distinctiveness. This policy is broadly consistent with the Framework in so far as it relates to achieving well-designed places and conserving and enhancing the natural environment.

Essential need

11. Policy TTV26 of the JLP seeks to protect the special characteristics and role of the countryside, and amongst other aspects, avoid isolated development in the countryside except in exceptional circumstances. This includes where the development would meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity.
12. While indicating that they have tried to locate the development near to other properties in the vicinity, the appellant does not contest the Council's assertion that the appeal proposal would result in an isolated non-agricultural development in the countryside. Although close to the boundary of the nearest

property's plot, the proposed dwelling would be located approximately 60 metres away from that property. On the basis of the site's context and from the evidence before me, I am therefore satisfied that the proposal would result in an isolated development in the countryside.

13. The appellant and their family currently live approximately five miles away, and drive to the site twice daily to maintain their smallholding. The new dwelling would allow them to live on site, and the garage would be used to store agricultural machinery and equipment. This would enable them to better maintain their smallholding and livestock, and grow the business. It would also mean they would not need to travel to and from the site in order to maintain it.
14. I recognise that the site has previously been broken into and that stock has died due to ill health in the past. Living on site would mean that the smallholding and animals would be unattended less than the current situation. I acknowledge that the appellant also wishes to grow the smallholding to meet local demand and that living on site would assist with this. However, the current size of the smallholding and the evidence before me indicate that there is not an existing essential need for a rural worker to live permanently on the site.
15. I recognise that the development would support the appellant's intention to expand their smallholding in the future. However, Policy TTV26 does not provide an exception to isolated development in the countryside on the basis that a development could or would create an essential need for a rural worker to live permanently on the site in the future. I also have little evidence to indicate that the development would, if allowed, result in expansion of the smallholding to such an extent that there would be an essential need to have a rural worker living permanently at the site.
16. For the above reasons, I conclude that there is no essential need for a rural worker. I therefore find that the proposal fails to accord with Policy TTV26 of the JLP. This policy is broadly consistent with the Framework in so far as it relates to rural housing.

Other Matters

17. The development would be served by existing services and would provide an accessible dwelling constructed to the appellant's requirements. Materials would be sustainable and locally sourced, and the building would be constructed using traditional methods. The roof has been designed to allow for the installation of several solar photovoltaic roof panels, while topography would provide natural drainage and sustainable drainage systems would also be used.
18. I acknowledge that the appellant wishes to relocate closer to their small holding for easier access and maintenance and that it is not their intention to develop the remainder of their land. Alternative possible locations for the development have been considered, and the rest of the site would remain as a field. Some additional soft landscaping would also be provided around the house and the driveway, while the development would not harm the surrounding hedges and trees or wildlife.
19. I have given these aspects careful consideration. However, given the development's scale, I am satisfied that the benefits would be relatively

limited. The harm I have identified above, which could not be overcome by the imposition of planning conditions, is not outweighed by these considerations and is sufficient for me to find against the proposal.

Conclusion

20. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR