



Appeal Decision

Site visit made on 15 April 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/U1105/W/18/3220012

Paradise Barn, Church Road, Colaton Raleigh EX10 0LW

- 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 C Woodley (C J Woodley Ltd) against the decision of East Devon District Council.
 - The application Ref 18/1456/FUL, dated 21 June 2018, was refused by notice dated 21 September 2018.
 - The development proposed is new dwelling to replace existing barn with part conversion of existing stone structure.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 7th June 2019.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development on the application form differs from those on the decision notice and the appeal form. I have used that from the former.

Main Issues

3. The main issues in the appeal are: (i) whether the site lies in a location where the proposed development would be acceptable in principle; and (ii) whether the proposed development would be accessible by a range of transport modes.

Reasons

Principle of the proposed development

4. Colaton Raleigh is a village that has limited facilities, which include a shop, pub, church and village hall that lies on the B3178. Buses run along this road, linking the village to, amongst other places, the towns of Exmouth, Budleigh Salterton and Sidmouth.
5. Church Lane is a long residential road that runs east from the B3178 at the centre of the village B3178. Built development lines both sides of Church Lane in a largely unbroken manner for some distance from the village centre. The continuity of buildings on the southern side of Church Lane ends immediately west of the appeal site, at 1 and 2 Paradise Cottages, some 700m from the

village centre. The line of dwellings on the northern side of the lane continues past the appeal site.

6. A barn that lay on the appeal site was granted planning permission for its conversion, with extension, to a dwelling. This permission was granted under the terms of the previous development plan. Amongst other things, that plan identified Colaton Raleigh as a settlement where limited residential development would be supported, and that the barn lay within the settlement boundary.
7. Neither is now the case, under the terms of the East Devon Local Plan 2013 to 2031, adopted January 2016, (the 'EDLP'). Its Strategy 7 precludes development in the countryside, unless 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 within which it is located. It defines the countryside as those parts of the plan area outside the built-up area boundaries and site-specific allocations shown on the Proposals Map.
8. Whilst I have not been provided with a copy of the Proposals Map, the evidence before me shows that the village does not have a built-up area boundary and that there is no Local or Neighbourhood Plan policy that provides support for the proposed development.
9. It seems that when work commenced on the approved conversion it was found that the building was not capable of being converted, despite the findings of an earlier 'condition survey'. As a result, all that presently remains of the barn is its stone wall fronting Church Lane. Therefore, whilst the proposed dwelling would be of the same design and would be finished in similar materials, it would represent a new build rather than conversion of an existing building. Furthermore, given these circumstances, the 'fall-back' position that might have been relevant, had the barn been in-situ, is not present.
10. Save for this wall and some trenches that have been dug and concrete footings laid in them, there appeared to be no other development on the site. It, together with the large field that bounds it on its east and south sides, form a significant break in development between Nos 1 and 2 and the houses and agricultural buildings of a large farm complex to the southeast.
11. Therefore, although houses run past the site on the opposite side of Church Lane, I find that the site lies outside the built form of the village. Rather than appearing as a derelict site, it appears very much as part of the attractive, gently rolling countryside that abuts the village. The erection of a dwelling here would represent a harmful extension to the built form of the village, rather than conserving or enhancing the landscape, which is set out as a key objective of the EDLP in its paragraph 6.23.
12. I do not find that paragraph 78 of the Government's National Planning Policy Framework, ('the Framework'), lends support to the proposed development. Its support relates to circumstances where development in one village may support services in a village nearby; this site is not in the village. Given its location abutting development, the site cannot, however, be considered to be isolated in the manner referred to in paragraph 79 of the Framework.

13. My finding on this main issue is that the site lies in a location where the EDLP does not support the principle of the proposed development, and the development would result in harm to the character and appearance of the area. It would, therefore, be contrary to its Strategy 7.

Accessibility

14. Church Lane is not a busy road and, whilst narrow with no footway, it is fairly level and has streetlights along most of its length from the site to the village centre. As such, it is an easy and safe walk or cycle from the site to access the services that the village has to offer.
15. The village bus stops are on the B3178 near the pub and shop, close to the point where it is joined by Church Lane. Neither party has given me a great deal of information relating to the frequency of bus services serving the village. However, these buses link the village with nearby towns that have a greater level of service provision and do, therefore, offer an alternative to car travel.
16. In the light of the above, I find that the development would be accessible by a range of transport modes that would minimise the need to travel by car. Therefore, I find that the scheme accords with the terms of EDLP Policy TCD2.

Other Matters

17. The site lies close to the East Devon Pebblebed Heaths that have been designated as a Special Area of Conservation and a Special Conservation Area. These are European Sites of Nature Importance and are subject to protection under the Conservation of Habitats and Species Regulations 2010. Regulation 61(5) imposes a duty on me, as the 'competent authority', to consider whether any proposal may have a significant effect on such areas, either alone or in combination with other plans and projects.
18. In this case, both parties agree that such an effect is likely. In response, following the terms of the Council's adopted South-East Devon European Site Mitigation Strategy, the appellant has entered into an undertaking under S111 of the Local Government Act 1972 to pay a sum to be used to mitigate this effect. Whilst I have taken this and the other evidence in this regard into account, as I am dismissing the appeal on the principle of the development, I do not need to reach a decision on the efficacy of the undertaking.
19. Whilst the provision of accommodation for bats, to compensate for that which was lost when the barn was taken down, lends support to the proposed development, but neither this nor the retention of the wall onto Church Lane outweigh the harm that I have identified.

Conclusion

20. Whilst I find that the proposed development would be accessible by a range of transport modes, neither this nor the other arguments put forward outweigh the harm that I have identified relating to the erection of a dwelling in this location. For this reason, and having had account of all matters raised, the appeal is dismissed.

Roy Curnow

INSPECTOR