

Appeal Decision

Site visit made on 19 March 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2019

Appeal Ref: APP/U1105/W/18/3218286

Strawberry Fields Livery Yard, Meeting Lane, Lympstone EX8 5HS

- 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 Dyer against the decision of East Devon District Council.
 - The application Ref 18/0869/FUL, dated 12 April 2018, was refused by notice dated 8 October 2018.
 - The development proposed is to convert some of the existing timber clad buildings at the site between Meeting Lane and Strawberry Hill into a single dwelling, with the remaining building serving as garaging/stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities; and,
 - whether the buildings are structurally sound and capable of conversion.

Reasons

3. The appeal site is a small grouping of equestrian buildings orientated around a simple yard. Meeting Lane bounds the site to the north, from which vehicular access is provided. Although the settlement of Lympstone is close by, the surrounding environment has a rural character, and the site is for planning purposes within designated countryside. The site is prominently located and visible from the highway, and its functional design, openings and simple palette of materials provide a utilitarian appearance compatible with the rural setting.
4. The conversion of rural buildings is principally addressed by Policy D8 of the East Devon Local Plan 2013-2031 (Local Plan) and Policy 2 of the Lympstone Neighbourhood Plan (LNP). Policy D8 requires existing buildings to be structurally sound and capable of conversion, for the site to be located close to a range of accessible services and facilities, and for proposals to enhance the character of the site and its setting.

Character and Appearance

5. The proposal would insert domestic windows and doors into the buildings and a rendered link extension within the yard. Although the north stable building screens the site to an extent, the alterations would be visible from the adjacent

highway and would introduce a degree of domestic embellishment which would contrast awkwardly with the otherwise functional character of the site. Render is not necessarily a contemporary material, and it would look out of place amongst the otherwise utilitarian materials within the development. The legibility of the grouping arranged around a yard would be compromised by the location and form of the proposed link extension. In addition, the outside space would be formalised and contain inevitable domestic paraphernalia and activity which would contribute to the perceptible change in the character of the site.

6. I acknowledge that all residential conversions of rural buildings will lead to a degree of domesticity. However, in this case the design of the proposed conversion would provide a visibly contrived appearance incongruous with the rural environment. This could not, in my opinion, be overcome by limited landscaping along the roadside boundary.
7. I therefore find that the proposed development would have an unacceptable, adverse effect on the character and appearance of the area. It would conflict with Policies ED8, D1 and Strategy 7 of the Local Plan and Policies 2 and 3 of the LNP in so far as they require the conversion of buildings within this location to respect the character of the area and provide an enhancement to the site and its immediate setting.

Suitability of the location

8. Meeting Lane is generally straight and visibility is largely unobscured. The width of the carriageway and the presence of verges allows vehicles and pedestrians to share the space. For these reasons, walking or cycling into Lymington to access its services and train station would be a practicable option for occupants of the proposed dwelling. At times of inclement weather or darkness short trips could be made into the village by car, but I do not consider this to be significantly different to households within nearby residential areas.
9. In addition, the bus stops on the A376 provide access to Exmouth and Exeter. The journey to these bus stops is relatively brief and there is a pavement along the majority of the route. Although unlit, passing vehicles would provide supervision. As such, I am satisfied that the site is not remote from essential services and the proposal would not be unduly reliant on the motor car.
10. Consequently, the site would provide a suitable location for housing, having regard to the accessibility of services and facilities. The proposal would accord with Policies D8, and TC2 of the Local Plan in so far as they require development to minimise the need to travel by car by being located close to a range of accessible services and facilities. Strategy 7 of the Local Plan and Policy 2 of the LNP make no specific reference to accessibility to services and so there is no conflict with these policies in this regard.

Whether the buildings are structurally sound and capable of conversion.

11. The appellant's evidence identifies that the buildings are structurally sound, and this is not disputed by the Council's Building Control Officer. There is no substantive evidence before me which challenges this position.
12. The proposal would introduce sheathing to stabilise the walls and additional purlins to the roofs of the existing buildings. In my opinion, these internal works would augment the structures, and would not amount to the substantial alteration or reconstruction of the existing buildings. This could be carried out

with little external alteration and the proposed extension is a modest element of the proposal.

13. As such, I am satisfied that the proposal demonstrates that the buildings are structurally sound and capable of conversion. I therefore conclude that the proposal would accord with Policy D8 of the Local Plan and Policy 2 of the LNP in so far as they relate to the conversion of suitable rural buildings.

Other Matters

14. The site is within influence of the Exe Estuary and the Pebblebed Heaths Special Protection Areas (SPAs) and the evidence identifies the harmful effect of recreation on these designations. The Council has adopted its own mitigatory strategy to manage the significant cumulative effect of residential development and, pursuant to this, a specific sum is agreed between the parties and provided within a S111 Agreement. However, in this case there is no identification of an individual non-infrastructure project which would benefit from the obligation and provide the necessary mitigation.
15. As such, if I had been minded to allow the appeal, I would have sought additional information on this matter in order to explore the effectiveness of the proposed mitigation measures as part of the Appropriate Assessment which it would have been necessary for me to undertake. However, as I am dismissing the appeal for other reasons, I have not pursued this matter further.
16. My attention has been drawn to appeal decisions elsewhere. The findings of my colleagues in relation to the suitability of buildings for conversion and the accessibility of sites to services are consistent with my assessment here. With regard to the appeal at Longmeadow Road¹, the appeal building already had a domestic appearance, and therefore circumstances in that case were materially different. In any case, matters surrounding character and appearance are site specific and fact sensitive, relying upon the exercise of planning judgement. Therefore, that appeal decision has had limited weight in my assessment.

Conclusion

17. I have found that the site is suitable with regard to its accessibility to services and facilities, and that the buildings are structurally sound and capable of conversion. However, the proposed development would harm the character and appearance of the area, failing to provide necessary enhancement.
18. Taking all matters into account, including the pre-application advice and officer recommendation to grant planning permission, I find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the National Planning Policy Framework, that outweigh the conflict. I therefore conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

¹ APP/U1105/W/17/3192810