



Appeal Decision

Site visit made on 10 September 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/W1145/W/19/3231716

East Staddon Farm, Hartland, Bideford EX39 6EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Debbie Symons against the decision of Torridge District Council.
 - The application Ref 1/0231/2019/FUL, dated 14 March 2019, was refused by notice dated 15 May 2019.
 - The application sought planning permission for conversion of garage to annex for dependent relative without complying with a condition attached to planning permission Ref 1/1321/2014/FUL, dated 1 May 2015.
 - The condition in dispute is No 4 which states that: *'The accommodation hereby permitted shall be used solely for purposes ancillary to the existing dwelling known as East Staddon Farm, sharing the parking and external amenity space of that dwelling, and not as an independent dwelling.'*
 - The reason given for the condition is: *'As creation of a separate residential unit would be contrary to the policies of the development plan.'*
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Debbie Symons against Torridge District Council. This application is the subject of a separate decision.

Procedural Matter

3. I used the site address given within the appeal form as it is consistent with that contained within the disputed condition.

Main Issue

4. The main issue is whether the proposed development would provide a suitable location for housing, having regard to local and national policy and the accessibility of services and facilities.

Reasons

5. East Staddon Farm is a detached dwelling located within a very small grouping of buildings approximately 2.3km from the village of Hartland. It is within an overtly rural landscape away from any defined settlement, services or facilities. As such, for planning purposes, it occupies an isolated countryside location.

6. The appeal relates to a domestic building in its grounds. The structure was in the early stages of being converted into a self-contained annex to support a dependent relative, a restriction imposed pursuant to condition No 4 of planning permission Ref 1/1321/2014/FUL. However, the ancillary status of the development has led work to stall for financial reasons. The appellant now seeks to remove the condition to progress the work and allow the creation of an unrestricted dwelling within which her elderly mother could receive care.
7. Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (adopted 2018) (NDTLP) states that, in the countryside, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location. The circumstances under which the reuse of disused and redundant rural buildings into dwellings can be supported is set out in more detail in Policy DM27 of the NDTLP, which is consistent with Paragraphs 79 and 118 of the National Planning Policy Framework (the Framework).
8. In this case the building is still required for its intended use. In addition, as a domestic building associated with the main house, I consider that it has an integral purpose and value to the property, notwithstanding the acknowledged personal circumstances of its occupants, or what is essentially a choice not to currently utilise it for storage. This leads me to the conclusion that the building is not disused or redundant. Furthermore, as only limited landscaping details are before me, it has not been established that the proposed amenity space would positively impact the building's immediate setting. Consequently, it has not been demonstrated that the scheme would accord with Policies ST07 and DM27.
9. The NDTLP recognises that dependence on private transport is a continuing constraint in rural areas, and Policy ST10, amongst other things, seeks to reduce the environmental and social impacts of transport by reducing the need to travel by car. Hartland, which is the nearest settlement containing day-to-day services, is a fair distance to the north of the site. The connecting road network is in many places narrow and devoid of footways and street lighting. These factors would be a significant disincentive to walking or cycling, and private transport would be a necessity in all but exceptional cases. Although the main road to Hartland and the Atlantic Highway are a relatively short distance away, use of these roads would still be by car.
10. I note the appellant's view that vehicular movements associated with a dwelling would be equivalent to the approved annex. However, the annex would be used in association with the dwelling and may therefore be intermittently occupied by guests or by non-car users, such as, as with this case, a dependent relative. Given these circumstances, I find that the proposal to form a dwelling would increase, not reduce, the need to travel by car. It would therefore conflict with Policy ST10.
11. My attention has been drawn to a planning permission elsewhere¹. Whilst I acknowledge that Long Furlong is also in a rural location, the scheme was approved on the principal basis that it reused a redundant building in compliance with Policies ST07 and DM27, which would not be the case here. As such, the circumstances in that decision were significantly different. In addition, limited information as to the quality of the highway network or the

¹ Ref 1/0286/2019/FUL

site's relationship to the facilities in Hartland has been provided. In any case, I have determined the appeal on its own merits, based on the evidence before me.

12. I therefore conclude that the proposed development would not provide a suitable location for housing, having regard to local and national policy and the accessibility of services and facilities. The proposal would conflict with Policies ST07, ST10 and DM27 of the NDTLP and the relevant guidance contained within the Framework.

Other Matters

13. The site lies within the North Devon Area of Outstanding Natural Beauty (AONB). The building is screened from wider views and well related to the other buildings at East Staddon Farm so the proposal would not have a significant impact on the special landscape character of the AONB as a whole.

Planning Balance and Conclusion

14. The government is seeking to significantly boost the supply of housing and the scheme would contribute to the local housing stock. However, the small scale of the proposal leads me to conclude that its benefits would be minimal in this regard. The scheme would not harm the character and appearance of the area and would provide policy compliant levels of parking with no additional risk to highway safety. However, these are neutral factors in my assessment.
15. The proposal would introduce an independent residential development in an isolated rural location with occupants subsequently dependent on private transport, in conflict with the development plan when read as a whole. These are matters that attract significant weight and which outweigh the limited benefits of the proposal. There are no other matters, including the Framework, which outweigh this conflict.
16. For the reasons outlined above, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR