



Appeal Decision

Site visit made on 14 August 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/U1105/W/19/3230043

High Bank, Road from Colyton Road to Orchard Close, Whitford EX13 7PJ

- 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 Heather and Gordon Short against the decision of East Devon District Council.
 - The application Ref 18/2852/FUL, dated 14 December 2018, was refused by notice dated 12 April 2019.
 - The development proposed is for the proposed conversion of outbuilding into a dwelling and associated car parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be in a suitable location for a new dwelling having regard to the proximity to local shops and services, and the aims of national and local planning policies with regard to patterns of travel.

Reasons

3. The appeal site is located adjacent to High Bank across a driveway and is an ancillary outbuilding to the main house. The outbuilding has a utilitarian character with a concrete construction, render finish, functional window and door openings and a simple mono-pitch metal and Perspex roof. It sits to one side of the main house and stands in proximity to two other smaller outbuildings. The site lies within countryside on the periphery of the village of Whitford, in close walking distance to the village with other dwellings nearby and a small industrial estate. The appeal site is situated within a rural landscape setting within the East Devon Area of Outstanding Natural Beauty (AONB).
4. The Council considers that the appeal site is not an isolated location due to its proximity to the village. On my site visit I was able to see that the site is a short walk from the village and was not remote from other houses or the settlement of Whitford. As such I agree with the Council and find that the site is not isolated in terms of paragraph 79 of the National Planning Policy Framework 2019 (the Framework). The Council has also confirmed its position that it has a five year housing land supply as required by paragraph 73 of the Framework. This has not been disputed by the appellant.

5. Although not in an isolated location the appeal site is within the countryside as defined for planning policy purposes. Strategy 7 of the East Devon Local Plan 2013-2031 adopted 2016 (LP) says that development in the countryside will only be permitted where it would be in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development. Policy D8 is one such exception as it relates to re-use of rural buildings outside of settlements subject to a number of criteria. Amongst other things those criteria require that residential proposals must be located close to a range of accessible services and facilities to meet the everyday needs of residents, and must be in a location that will not substantively add to the need to travel by car, or lead to a dispersal of activity that would threaten village vitality.
6. From my site visit and from the evidence before me I was able to see that the village of Whitford does not have a shop, pub, church or school, although there is a village hall. As such it would be necessary to travel outside of the area in order to access almost every service required for daily living. There is a bus service during the day to nearby settlements, which would enable travel to such facilities, with Axminster around 15 minutes away. The bus operates during peak hours but not later in the evening, or on Sundays or Bank Holidays.
7. The proposed dwelling includes three bedrooms and a 'family bathroom' and could be lived in by a family. As such it will probably be necessary to travel to a nearby school and therefore likely that there would be a greater dependency on the use of private vehicles. Such a journey is likely to be restrictive with a bus only every hour.
8. No information has been provided on the reliability or viability of the bus route and whether it does truly result in a long-term future service provision to support a new dwelling in the long term. This is of key importance as it would be the principle means of accessing the vast majority of daily services other than by a private vehicle.
9. Although an hourly bus service is supportive of daily life it would represent the only means of accessing services without a private vehicle. Subsequently, I consider that there would be a strong reliance on using a private vehicle for day to day living due to the absence of any services in the village and the lack of a bus at off-peak times. Given the distance of the site from any sizeable settlement those journeys are likely to be frequent and quite lengthy.
10. For the reasons given above, the proposed development would not be an accessible site for a new house, having regard to its location within the countryside, would not minimise the need to travel by car, and would not be in accordance with local planning policies and is not justified by national policies in the form of the Framework. Despite the appellant's assertion that this is 'sustainable development', as supported by the Framework. I acknowledge that the Framework recognises that opportunities to maximise sustainable travel solutions will vary between urban and rural areas. However, even in the context of the rural area of East Devon, the site is poorly located in relation to the aims of the Local Plan, as identified in Strategy 27 which seeks to direct new development to towns and villages with a range of services and transport options.
11. In view of the above, the proposal would conflict with Strategy 7, Strategy 27, Policy D8 and Policy TC2 of the LP which seeks to provide new development is

accessible to a range of services and facilities to meet residents' daily needs and which prevents development outside of the settlement unless led by the community.

Other Matters

12. I have had regard to the appellant's reference to a recent judgement¹, several appeal decisions², the 'redundant' nature of the outbuilding and the possible sub-division of the existing residential dwelling under paragraph 79 of the Framework. However, these are considerations under the Framework when considering whether a home is isolated. For the reasons set out above I do not consider this to be the case and the main issue is not whether the development would be isolated but would be suitably located having regard to local shops and services. Whilst paragraph 79 seeks to 'avoid' new development in isolated locations subject to the listed exceptions, it does not follow that development that is not 'isolated' in the sense identified in the Braintree judgement will be acceptable in planning terms. Nor am I satisfied that the terms of paragraph 79, which relate explicitly to isolated developments, alters the weight that I must attach to the locational strategy of the development plan and its relevant policies as identified above.
13. I have also had regard to the structural survey that has been submitted which clarifies that the outbuilding is capable of being converted. Also, the appellants statement which clarifies that the outbuilding is not in agricultural use, that there will not be any impact on protected species and no objections have been raised as to the proposed design of the conversion and its impact on its setting. However, the lack of harm is of neutral weight rather than a benefit to the scheme and does not outweigh the significant harm that I have found due to the proposed development's inaccessible location within the countryside given local planning policy.

Conclusion

14. For the reasons given above the appeal is dismissed.

L Crouch

INSPECTOR

¹ Braintree DC v Secretary of State [2018] EWCA Civ 610

² Land west of Crunch Croft, Sturmer (APP/Z1510/W/18/3205980), Old Smith in Whitford (APP/U1105/W/15/3131684) and Winslade Manor, Exmouth Road, Clyst St Mary (ref. APP/U1105/W/17/3191044)