



Appeal Decision

Site visit made on 30 September 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/P1133/W/19/3233701

Bulleigh Barton Farm, Road To Bulleigh Barton Farm, Ipplepen TQ12 5UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr N Dennis against the decision of Teignbridge District Council.
 - The application Ref 19/00904/OUT, dated 3 May 2019, was refused by notice dated 28 June 2019.
 - The development proposed is a dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been made in outline with all matters reserved for future consideration. The Block Plan shows a proposed siting for a bungalow and it is explained elsewhere in the submissions that this would be a single storey building of about 150sqm. I have had regard to this information as an indication of what the appellant has in mind for the development.
3. The original submission sought to retain the existing dwelling (the subject of the Certificate of Lawful Use and referred to on the plans as the CLDE dwelling) as ancillary accommodation to the farmhouse. At the appeal stage the information indicates that the appellant would be willing to accept a condition in any approval that this building be demolished. I have considered the proposal accordingly.

Main Issues

4. The main issues are:
 - whether the proposal would provide a new dwelling or a replacement dwelling and, dependent on the outcome, the resulting development plan implications, and
 - the effect of the development on the character and appearance of the area.

Reasons

New dwelling or replacement dwelling

5. The appellant has confirmed that he would be willing to accept a planning condition in any approval to demolish the existing CLDE dwelling and a further condition not to implement the permission for the replacement dwelling the

subject of an outline planning permission¹ on a site adjoining the CLDE dwelling. The appellant has made it clear that the dwelling the subject of this proposal would be a replacement dwelling for the CLDE dwelling.

6. However, the proposed dwelling would be some distance broadly to the west and the red lined application site would not encompass the CLDE dwelling or the permitted site with the outline permission, although these other sites do fall within the blue lined land within the ownership of the appellant. While it may be possible to attach a condition requiring the removal of the CLDE dwelling in any approval because it is an existing building, I am not satisfied that the implementation of the existing outline permission (and any subsequent reserved matters) can be prevented by a condition attached to a different permission on another parcel of land.
7. It is possible to revoke an existing planning permission and this would be carried out by the local planning authority or the Secretary of State by a process under Sections 97 and 100 of the Town and Country Planning Act 1990 (as amended). Alternatively, an applicant could enter into a binding obligation in which it was agreed not to carry out a previously approved permission.
8. In this case, the outline permission is on a separate site from the present proposal and I do not have an obligation before me that would bind the owner of the land not to implement the earlier permission for the replacement dwelling. There is no evidence that the outline permission is to be revoked. Subject to the approval of reserved matters, if the present proposal was permitted it would be physically possible to carry out both the appeal proposal and the permitted outline scheme. This could result in two dwellings on the wider site. In these circumstances, I am satisfied that the proposal before me should be considered as an additional dwelling on the site and not a replacement dwelling.
9. The site is located in countryside outside any settlement and the proposal would not meet with any of the categories for the erection of a dwelling as set out in Policy 22 of the Teignbridge Local Plan 2013-2033 (the Local Plan).
10. In the light of the above analysis, I conclude that the proposal should be considered as the provision of a new dwelling in the countryside and that this would be contrary to Policy 22 of the Local Plan which seeks, amongst other things, to strictly control development including new dwellings in such locations.

Character and appearance

11. The wider area is characterised by gently rolling countryside interspersed with sections of woodland, copses of trees, fields with hedge boundaries and with groups of buildings that are generally away from the hill tops. The Bulleigh Barton Farm group includes a series of barns in commercial use within a dip in the landscape, a farmhouse on a higher area of land and an adjoining stable block which is reasonably exposed and prominent in some wider views.
12. The proposed dwelling would be located on part of the more elevated section of the land in an area presently part of a grazing paddock. The dwelling would be in the vicinity of the stable block and farm house, and expand the reasonably exposed built development in this location.

¹ Local Planning Authority reference 18/02503/OUT

13. While landscaping, design and a single storey form at the reserved matters stage could reduce the impact of a dwelling it would still add to the built development on this more elevated part of the site. In all likelihood, the dwelling would be conspicuous in the wider landscape, notwithstanding the limited public views from close by locations. The proposed siting would lead to an encroachment of built form into a more open area that would not be characteristic of the general location of buildings within the wider landscape. As a consequence, the proposal would diminish the rural character and appearance of the locality.
14. For these reasons, the proposal would not be sympathetic to the local landscape setting or recognise the intrinsic character and beauty of the countryside as required by the National Planning Policy Framework (the Framework).
15. Accordingly, I conclude that the proposal would harm the character and appearance of the area and would, therefore, conflict with Policies S2, S22 and EN2A of the Local Plan which seek, amongst other things, to protect and enhance the area's landscape.

Other Matters

16. I have noted the case made that the dwelling would not be an isolated dwelling in the countryside in terms of the Framework approach, that the proposal would be a sustainable form of development and there are no ecological reasons that should prevent approval. However, even if I were to agree to these matters, this would not overcome the harm I have identified above.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR