



Appeal Decision

Site visit made on 14 October 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/P1133/W/19/3231617

Tank 118 from The Old Pump House, Deepway Lane, 32 metres from Deepway Lane, Deepway Lane, Exminster EX2 8XL

- 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 Clive Johns against the decision of Teignbridge District Council.
 - The application Ref 18/02094/FUL, dated 9 October 2018, was refused by notice dated 15 April 2019.
 - The development proposed is conversion of disused water storage tank into a 3 bedroom dwelling with integral garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal proposal would represent an acceptable location for a new dwelling, having regard to the Development Plan policies that seek to restrict residential development in order, amongst other things, to protect the countryside and ensure appropriate patterns of travel.

Reasons

Location of development

3. The appeal site comprises a largely submerged concrete structure which has a single opening at its north-western end and a flat roof. The internal space is divided into two halves which are separated by a wall. There are vegetated embankments largely surrounding the building.
4. The area is in a rural setting on the outskirts of Exminster and Exeter, with a limited number of scattered dwellings in the wider surroundings. Otherwise, the area is predominately agricultural in nature with transport, telecommunication and electricity infrastructure influencing its character and appearance. Deepway Lane and Old Matford Lane which connect the appeal site with the urban area of Exminster, some approximate 2.2km away, are rural in nature, narrow and are without footways or streetlights.
5. The appeal site lies outside of any settlement limits and is therefore considered to be in the countryside for the purposes of applying the development plan policies. Teignbridge Local Plan¹ (Local Plan) Policy S22 sets out the approach to considering development proposals in the countryside to ensure that

¹ Teignbridge Local Plan 2013 – 2033 – adopted May 2014

development is located to reduce the need to travel, achieve accessibility to daily services by non-car modes and maintain the rural character of the area. In the open countryside away from the named settlements, new residential development is to be restricted to affordable housing for local needs, replacement dwellings and a limited number of other instances which are not applicable in this case.

6. Due to its rural location outside of any named settlement and the intended open market nature of the scheme, the provision of a new unrestricted dwelling would clearly conflict with Local Plan Policy S22.
7. The appellant has highlighted that there is a largescale mixed use development proposed for land a moderate distance to the north which would extend the urban area of Exeter. Whilst this may bring some essential facilities, including shops and schools, closer to the appeal site, the appeal site would not be within or immediately adjacent to the scheme. From the limited details available, it would appear that Old Matford Lane and Deepway Lane would remain largely unchanged for much of their length in the vicinity of the appeal site which would mean that future occupants would still be predominantly reliant on private vehicle for most daily trips. There do not appear to be any easily accessible public transport opportunities within walking distance of the site and cyclists would have to navigate narrow, unlit and topographically challenging roads which would render this option similarly unattractive.
8. I acknowledge that the National Planning Policy Framework ('the Framework') allows for the development of isolated homes in the countryside where it would re-use redundant or disused buildings and enhance its immediate setting. I also acknowledge that the Framework generally also seeks to boost the supply of housing. However, the building is a largely submerged structure and the proposed changes would introduce a degree of domestication to an otherwise rural landscape. Whilst these changes are modest and would not result in the structure becoming materially more noticeable in the landscape, the changes it would bring about could not be said to be an enhancement of the area.
9. In relation to the main issue, the proposal would not represent an acceptable location for a new dwelling and would therefore conflict with Local Plan Policy S22, which seeks to manage development in the countryside to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy.

Other Matters

10. The appellant highlights that the presence of people on site will reduce the likelihood of fly tipping in the area. I cannot be certain that the proposal is the only means of securing such a benefit and attribute it limited weight in the overall balance.
11. That the building would become a dilapidated and dangerous structure if not converted as proposed is not a matter to which I can attribute weight as to do so would otherwise encourage purposeful decay of sites elsewhere.
12. Similarly, I cannot attribute weight to the future aspirations of the appellant to secure renewable energy or building efficiency measures that do not form part of the current proposal.

Planning balance

13. The appeal proposal would result in the provision of an open market dwelling which would add to the housing stock and result in social benefits. I also acknowledge that the proposal would generate economic benefits and would help to support local facilities and services in Exminster, Exeter and beyond. However, given the scale of the development, these benefits would be modest and there is no suggestion that shops and services in the wider area are becoming unviable.
14. The appellant has raised the relevant policies of the Framework that seek to promote the delivery of housing and the reuse of disused buildings. I also note that the proposal would reuse an existing structure that may have limited use for other purposes. However, the reuse of previously developed land is one objective of the Framework that should not be pursued at the expense of other sustainability objectives, such as promoting appropriate patterns of travel.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that development proposals should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Whilst the Framework is a material consideration in this case, there are no considerations of sufficient materiality to suggest that a decision should be taken otherwise than in accordance with the development plan.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR