



Appeal Decision

Site visit made on 9 October 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/U1105/W/19/3234774

Otter Valley Golf Centre, Rawridge, Honiton, Devon EX14 9QP

- 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 Ryan Eaton against the decision of East Devon District Council.
 - The application Ref 18/2410/FUL, registered 12 October 2018, was refused by notice dated 14 February 2019.
 - The development proposed is described as a barn conversion to single dwelling with integral annexe.
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Decision

1. The appeal is allowed and planning permission is granted for a barn conversion to single dwelling with integral annexe, at Otter Valley Golf Centre, Rawridge, Honiton, Devon EX14 9QP, in accordance with the terms of the application Ref 18/2410/FUL, registered 12 October 2018, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The declaration on the planning application form was not dated. I have therefore used the date that the application was registered by the Council in the banner heading above.
3. The description of development used in the banner heading above is that used by the Council. This is because it offers a more complete description than that given on the application form, which omits reference to the annexe. I note that the appellant has also adopted the Council's description on the appeal form.

Main Issue

4. The main issue is whether the site is a suitable location for residential development, in respect of access to everyday services and facilities.

Reasons

5. The site lies outside a built-up area boundary as defined within the East Devon Local Plan 2013 to 2031 Adopted January 2016 (the Local Plan); thus for development plan purposes, the site falls within a countryside location. Whilst Strategy 7 of the Local Plan seeks to restrict the types of development which may take place within such locations, a specific exception is offered for re-use of rural buildings by Policy D8 of the Local Plan. In this regard the Council's

- concern is that occupants of the development would be reliant on cars to access services and facilities, leading to environmental harm.
6. The previous use of the building was as a golf centre. Whilst no specific data relating to this use has been provided, it is reasonable to consider that it attracted large numbers of visitors who travelled by car. Though the use has not been active since 2015, it is nonetheless relevant to consider that in relative terms, the proposed use of the building as a dwelling with annexe, would be likely to generate far fewer vehicle movements than the previous use. Considered in this way, the development would not substantively add to the need to travel by car.
 7. Paragraph 78 of the National Planning Policy Framework (the Framework) otherwise states that rural housing should be located where it will enhance or maintain the vitality of rural communities. In this regard, a small range of facilities and services, including a primary school, exist in the village of Upottery to the north of the site. Given the proximity of the development to Upottery, it is reasonable to consider that these facilities and services would see use by future occupants of the proposed development. This could help to sustain these facilities and services, benefitting the broader rural community. The Parish Council has indeed voiced its strong support for the development on this basis.
 8. Paragraph 102 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Though it is unlikely that the narrow lane between the site and Upottery would be well-suited for use by pedestrians, I see no reason why future occupants could not cycle the route. As buses travel past by the site, these could also presumably be hailed. Though the Council indicates that the bus service is limited, this is not unusual within a rural location. Indeed, use of the bus could help to support the continued operation of the service, which would again be of general benefit to the rural community.
 9. Even in the event that cars were in fact to be used to drop residents at the nearest bus stop in Rawridge, or to access services and facilities in Upottery, the journeys would be very short, taking a matter of minutes. Though longer journeys to larger settlements would nonetheless also be likely, the level of environmental harm caused would be very modest, particularly when considered relative to the previous use.
 10. The Council favours use of the building as a holiday let. Here I acknowledge reference to appeal APP/U1105/W/18/3206768, in which the Inspector considered that such use would generate less traffic than use as a permanent dwelling. The sites however differ, and in the current case, no evidence has been presented to support such a view. Indeed, I see no particular reason why a large holiday let, booked year-round, would generate a substantially different number of vehicle movements than a permanent dwelling with integral annexe.
 11. For the reasons outlined above I conclude that the site would be a suitable location for residential development in respect of access to everyday local services and facilities. It would therefore comply with Policy D8 of the Local Plan, which allows re-use of rural buildings outside settlements subject to a range of criteria which include not substantively adding to the need to travel by car; Strategy 7 of the local Plan which seeks to restrict development in the

countryside except in accordance with other policies; Policy TC2 of the Local Plan which states that development should be located to be accessible by pedestrians, cyclists and public transport; and relevant provisions within the Framework.

Other Matters

12. Both parties make reference to paragraph 79 of the Framework, which states that decisions should avoid the development of isolated homes in the countryside. However, insofar as the development would occur within an established cluster of dwellings, it would not be isolated. Paragraph 79 of the Framework is not therefore relevant in this instance.
13. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (the AONB). I have therefore had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area; and paragraph 172 of the Framework, which states that great weight should be given to conserving and enhancing landscape and scenic beauty within AONBs. Given that the building in question is not highly exposed to view within the surrounding landscape, and given also that its external appearance will otherwise be modestly improved, the AONB would not be harmed as a result of the development.
14. The existing building has been confirmed as a roost for 4 species of bat. Bats are protected under the Wildlife and Countryside Act 1981, and are a European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017. The submitted Bat and Protected Species Survey and Bat Emergence Survey Report has identified a range of required mitigation measures.
15. Given the effect on an EPS, I am required to have regard to the 3 tests set out for EPS Licensing, which are: whether the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest; there is no satisfactory alternative; and, the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.
16. In these regards, the development would see reuse of a dilapidated building whose condition has an appreciably adverse effect on its residential setting; there is no obvious alternative use for the building which would have a lesser impact; and, a scheme of mitigation has been proposed, and can be secured. As such I am satisfied that the works would not have an unacceptably adverse effect on bats. In so saying it is important to emphasise that this decision does not constitute the grant of an EPS license, or indeed affect the requirement for the appellant to adhere to relevant legislation.

Conditions

17. In addition to standard conditions which provide a timescale for the commencement of the development, and specify the approved plans for sake of certainty, the Council has recommended a number of additional conditions. I have considered these in the light of the advice contained within the Planning Practice Guidance (PPG), and in allowing the appeal I shall impose conditions accordingly, improving precision where necessary in accordance with the advice in the PPG.

18. Condition 3 is necessary in order to secure works essential for mitigating the impact of the development on bats.
19. Condition 4 is imposed in order to ensure that the external appearance of the building is sympathetic to its general setting within the AONB and surrounding cluster of dwellings.
20. Condition 5 is imposed in order to require submission of a detailed landscaping scheme in order to again ensure that the development harmonises with its setting. A requirement to maintain new planting for 5 years has been included to enable the scheme to become well established.
21. The Council has proposed a condition limiting use of the annexe for purposes ancillary to the dwelling. However, restriction of occupancy in this way is unnecessary. This is because, understood in its normal sense, an annexe provides additional space and accommodation ancillary to that within a dwelling with which it is associated. This is true whether or not such additional space and accommodation is 'self-contained'. Therefore, use of the annexe in a way that was not ancillary to the main dwelling would require planning permission if that use involved a material change.

Conclusion

22. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise modified by compliance with the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: T.01; A.01; A.02; A.03; A.04; A.05; A.07; A.08; A.09; A.10.
- 3) The development shall be carried out strictly in accordance with the recommendations of the Bat and Protected Species Survey and Bat Emergence Survey Report prepared by Ecologic, dated September 2018.
- 4) Prior to their use within the development hereby permitted, specific details and samples of the materials to be used for the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 5) No external works other than demolition shall take place until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) a schedule and locations of all new planting;

- ii) details of boundary treatments; and
- iii) details of the materials to be used for, and layout of all new hard surfacing.

Boundary treatments and hard surfacing shall then be provided in accordance with the approved details, and all approved new planting shall be carried out in the first planting season after commencement of the development. The planting shall thereafter be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species.