



Appeal Decision

Site visit made on 19 November 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/X1118/W/19/3236044 Reservoir, Millards Hill, Instow EX39 4JS

- 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 Peninsula Properties against the decision of North Devon District Council.
 - The application Ref 65062, dated 6 June 2018, was refused by notice dated 28 February 2019.
 - The development proposed is the conversion/change of use of existing redundant water reservoir to a dwelling, together with formation of an access road.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Plans have been submitted with the appeal that were not considered by the Council. The changes proposed are minor in nature and, having been submitted with the appeal documents have been available for inspection by interested parties. With regard to the principles outlined in *Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]*, no injustice would arise if I were to consider the appeal on the basis of the amended plans.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The site is outside the built up area of Instow and projects into the open countryside. Whilst the site may not be isolated from other built form and so not fall for consideration under Paragraph 79 of the National Planning Policy Framework (the Framework), Policy DM27 of the North Devon and Torridge Local Plan 2011-2031 (LP) only permits the conversion of disused and redundant rural buildings where certain criteria are fulfilled. There is no dispute over compliance with 3 of the 4 criteria, but criterion (b) requires the proposal to have a positive impact on the immediate setting of the building and protect wider rural character.
5. The existing reservoir is partially sunken into its sloping site with banks up against the walls of the water tank at the lower parts of the site. It is surrounded by a chain link fence which affords no real screening from a

- footpath that passes the site, but neither is it intrusive nor draws the eye in the expansive views of the estuary available from the footpath.
6. From close locations on this footpath, the gravelled roof of the reservoir is readily visible and the steeply banked sides give an artificial appearance somewhat at odds with the gently rolling surrounding countryside. However, given that the roof is broadly at ground level at the upper end of the site, it does not intrude into wider views from the footpath and together with the banked walls sits unobtrusively in the landscape. From further afield, including the nearby Downs Road from where vehicular access would be derived, the existing reservoir is barely discernible in the landscape, the banked sides assimilating with a small group of trees on the site boundary.
 7. The proposed conversion scheme has clearly been thoughtfully designed with respect to the existing building and the exposed site. I understand that through an iterative process, the design has been amended in response to various concerns that have been raised. Those minor changes introduced at appeal stage further integrate the proposal into the surrounding landscape. Given the largely subterranean nature of much of the building, I find that the wider landscape character would be protected. Overall, I find no conflict with LP Policies ST04, ST09, that require development to be well designed, responsive to the site and maintaining the landscape setting of Instow.
 8. However, under the LP, new dwellings are not generally permitted outside settlements. Where allowed exceptionally as conversions under LP Policy DM27, must go beyond simply preserving landscape character to enhance the immediate setting of the building. The immediate setting is experienced from the footpath passing the site and Downs Road.
 9. The chain link fence would be replaced with new hedge planting. This is likely to offer some substantial screening of the modified reservoir tank. If the roof remained visible to any extent, changes to its covering through the planting of wildflowers could have some positive effect on views of the site when walking towards Instow on the footpath, although this would be tempered by the inclusion of rooflights and cut-out courtyards. Overall, the manmade form of the site and projection of the regular shaped site into the rural landscape would still be apparent.
 10. Furthermore, an addendum to the appellants Landscape and Visual Impact Assessment, appended to the appeal statement, indicates that there would still be a slight adverse effect from the footpath and a slight-moderate adverse effect from Downs Road. The appellant, therefore, accepts that there would be some limited conflict with LP Policy DM08A which seeks to avoid adverse landscape impacts. With regard to the above, weighing the improvements to the roof I find that, at best, the proposal would have neutral effect on the immediate setting of the building. This is not sufficient to comply with Policy DM27.
 11. There may well be other development plan policies with which no particular conflict would arise. For instance, there is no dispute that LP Policy ST07, which sets out a spatial development strategy for Northern Devon's rural area, indicates that Instow, generally, is an appropriate location for additional development having a range of services and good access to public transport. To some small degree, the proposal is likely to contribute to maintaining the

vitality of Instow and thereby gains some support from Paragraph 78 of the Framework concerning rural housing development.

12. The Framework also encourages the re-use of previously developed land (PDL). However, given the very minor influence that the existing site has on the character and appearance of the area, I attribute this only limited weight. The introduction of new hedgerows, including the reinstatement of a Devon hedge bank along the line of the proposed access, and the wildflower roof may well have some biodiversity benefit. There is also the general Government support for additional housing.
13. I have found no conflict with a number of development plan policies. However, LP Policy DM27 is a specific policy relating to the re-use of disused and redundant rural buildings. As outlined previously, the policy allows development in the countryside where it would not ordinarily be permitted and so it goes to the heart of my consideration of this proposal. I, therefore, find a conflict with this policy to bring the proposal into conflict with the development plan as a whole.
14. The use of previously developed land, potential biodiversity gains and support for the vitality of Instow offer some limited support for the proposal. However, these, nor any of the other matters raised before me are so weighty as to indicate that a decision should be taken otherwise than in accordance with the development plan.
15. I note the suggestion that the Council could have worked with the appellant to secure further changes to the scheme. However, this has little to do with the planning merits of the proposal before me.
16. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR