



Appeal Decision

Site visit made on 27 May 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2020

Appeal Ref: APP/U1105/W/20/3246701

Building adjacent to Carpenters Cottage, Combpyne, Devon

- 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 and Mrs Burgess against the decision of East Devon District Council.
 - The application Ref 19/2630/FUL, dated 29 November 2019, was refused by notice 28 January 2020.
 - The development proposed is the conversion of a redundant building to form 1 dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the site address given in the appeal form as this is more specific than the planning application form.
3. The proposed floor plans and elevations were amended during the course of the application to omit first floor windows in the north elevation. As such, as part of the plans taken into account, I have considered drawings referenced P-200 Revision C Proposed Floor Plans and P-300 Revision A Proposed Elevations, which are referenced on the Council's decision notice.

Main Issue

4. The main issue is whether the site is in a suitable location for housing with adequate access to facilities and services having regard to local and national planning policies.

Reasons

Location of the site and accessibility

5. The appeal site is located within a hamlet known as Combpyne. This comprises of a cluster of buildings comprising mostly residential uses but also a church. The nearest facilities other than the church include a village hall, vehicle repair garage and bakery at Rousdon some distance to the south east. In addition, a primary school, village hall, pub and post office can be found in Musbury, a village that is approximately 2.1 miles away. The nearest bus stops to the appeal site are located along the A3052 with stops at Rousdon and Westhayes Caravan Park.

6. The East Devon Local Plan 2013-2031, January 2016 (LP) contains a strategy specifically relating to development in the countryside. Strategy 7 of the LP defines countryside as all those areas that lie outside of the Built-up Area Boundaries or specific allocations on the proposals map. Amongst other matters, Strategy 7 only permits development in the countryside where it is permitted in principle by a specific policy in the LP. It forms part of the wider overall strategic approach across the district whereby residential development is generally directed to identified Built-up Areas or allocations that have easier access to a range of facilities. Accordingly, for the purposes of the LP, the appeal site is in the countryside.
7. Policy D8 of the LP is generally supportive of the re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries subject to certain criteria. However, additional criteria must be met for proposed residential use, including that such development is located close to a range of accessible services and facilities to meet the everyday needs of residents.
8. In combination, these policies are consistent with the national policy towards rural housing set out in paragraph 78 of the National Planning Policy Framework (the Framework) which states that housing should be located where it will enhance or maintain the vitality of rural communities with planning policies identifying opportunities for villages to grow and thrive.
9. The proposal would convert a traditional building described as a redundant¹ store to a two-bedroom house which would be likely to have future occupants with a range of travel requirements. The walking environment to local facilities in Musbury or Rousdon would, in many instances, not present an attractive option for pedestrians. This is because the respective routes along the highway mostly comprise a single width carriageway flanked by high hedgerows, that are unlit, in parts fairly isolated and with no pavement provision. Accordingly, pedestrians are likely to feel vulnerable and unprotected from vehicular traffic, dark conditions and inclement weather. Furthermore, the distance involved may deter some pedestrians.
10. Although, public footpaths offer an alternative, and in some cases shorter route than the surrounding lanes, to the bus stops at Westhayes Caravan Park² and facilities at Musbury³, the routes have uneven surfacing and are across fairly steep countryside, unlit and with little surveillance. Whilst this may provide an attractive recreational walking environment when the weather is clement, the terrain would not constitute a realistic practical option for a wide range of future residents regularly journeying to work, school, or carrying shopping or for those with some mobility difficulties or pushing prams.
11. Similarly, cyclists would need to be confident road users to use the narrow, unlit lanes, which is less likely to be the case for children attending the primary school at Musbury. As such, this is likely to inhibit its routine use.
12. I accept that access to bus services along the A3052 would offer a reasonable rural service to Lyme Regis and Seaton where further facilities are located. Nevertheless, the pedestrian route to the nearest bus stop at Westhayes Caravan Park is problematic for the reasons already outlined and given its

¹ Section 6, Planning application form

² Appendix 1, Appellants' Appeal Statement

³ Appendix 3, Appellants' Appeal Statement

considerable distance from the appeal site would take some time to traverse. Moreover, there is very little pavement provision along the A3052 and the limited hardstanding for the bus stops are directly adjacent to the main road with no shelter or lighting. Therefore, the environment for passengers waiting for a bus is not inviting.

13. Taking these factors in combination, it is highly likely that future residents of the proposal would be heavily reliant on the private car as their principal means of transport. Accordingly, it is not established that the development would be located close to a range of services and facilities to meet every day needs that would be reasonably accessible by pedestrians, cyclists and public transport.
14. The appellant points to paragraph 79 of the Framework which supports isolated homes in the countryside only in specified circumstances, one of which is where the development would re-use redundant or disused buildings and enhance its immediate setting. However, although the appeal site is within the countryside for the purposes of the LP, it is not shown that it would result in an isolated home as it forms part of a cluster of buildings in the hamlet. This is reinforced by the Design and Access statement⁴ provided which refers to relevant case law and states that the dwelling will not be physically separate or remote from a settlement. In these circumstances, the exceptions in paragraph 79 are not applicable.
15. I am further referred to paragraph 84 of the Framework. However, this policy falls under the title 'Supporting a prosperous rural economy' and relates to development meeting local business and community needs in rural areas. Given the residential nature of the proposal, the section of the Framework entitled 'Rural housing'⁵ is of greater relevance.
16. Reference is made to application 18/1643/FUL at Synderborough Farm, Sidbury which permitted the conversion of two agricultural barns to provide two residential dwellings and application 20/0173/VAR at Corn Cottage, Musbury which related to the removal of a condition restricting the premises to holiday occupancy⁶. As the latter case related to an existing established dwelling, albeit restricted, it is significantly different to the circumstances of the case before me. In relation to the former, few details are given and therefore, I am not satisfied that it represents a direct parallel to the appeal proposal. On this basis, these examples attract limited weight.
17. My attention is also drawn to four examples⁷ whereby conversions of traditional buildings outside of settlements to residential uses have been permitted by other Local Planning Authorities. I do not have the full circumstances of those cases before me which inhibits a meaningful comparison with the appeal proposal. However, the examples all relate to other districts and therefore, it is likely that the development plan policies under consideration will be different. Accordingly, the examples are of little weight and in any event, I have determined the proposal on its own merits.

⁴ Page 3

⁵ Paragraphs 77-79

⁶ Appellant's Appeal Response

⁷ North Dorset 2/2019/0188/FUL; West Dorset WD/D/17/002763; South Somerset 17/01652/FUL and Wiltshire 18/04117/FUL.

18. I have taken into account that Rousdon Parish Council did not object to the proposal. However, this is not sufficient basis to determine the development other than in accordance with the adopted development plan. I therefore find that the site would not provide a suitable location for housing given its relatively poor access to local services and consequently, would be contrary to Strategy 7 and policies D8 and TC2 of the LP. Strategy 7 and policy D8, in combination, only permit residential development in the countryside in limited circumstances. Policy TC2 stipulates that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Other Matters

19. The appeal building concerns a traditional building which makes a positive contribution as part of a group of vernacular buildings to the settlement, as well as the setting of the Grade I listed church opposite. This latter point is a matter to which I have a statutory duty to give special regard. As the proposal to convert the building would retain the majority of the historic fabric, I am satisfied that it would be unlikely to result in harm to the surroundings in which the church is experienced. The appellants suggest that unless the proposal proceeds the building will continue to be neglected and could fall into disrepair. However, my observations were that the condition of the building is not so parlous that it detracts from the setting of the church and surroundings. This is reinforced by the comments of the Conservation Officer brought to my attention, who considered that "it makes a positive contribution to the attractiveness of the villagescape"⁸.
20. I have already found that the proposal would not result in an isolated home in the countryside and therefore, the exceptions set out in paragraph 79 of the Framework would not apply. It follows that subparagraph 79 b) which refers to the optimal viable use of a heritage asset is not shown to apply in this case.
21. Furthermore, although I accept that a full-time residential use is preferable to the appellants⁹ by comparison to other potential uses, the reasoning put forward falls short of robustly demonstrating that there is no other viable use that the building might usefully serve. On this basis, there may be alternative uses of the building that would equally secure its long-term maintenance, but which do not conflict with the development plan policies identified. Accordingly, these are matters that attract limited weight.
22. The development would contribute one dwelling to the overall housing supply and a two-bedroom property would diversify the local housing stock. There would also be associated economic and social benefits derived from the proposal. Nevertheless, the modest scale of the proposal would limit the extent of such benefits and would not justify departing from the consistent application of the district wide strategy in the development plan.
23. I acknowledge that the dwelling would be beneficial to the appellants given their personal circumstances. Nevertheless, the personal circumstances of occupants will change over time whereas the harm from the location of the

⁸ Paragraph 9.1 Appellants' Appeal Statement

⁹ Paragraphs 6, 7 and 8 Appellants' Appeal Statement

proposal would be permanent. As such, such benefit carries little weight and would not lead me to a different conclusion.

Conclusion

24. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹⁰. No compelling reasons have been shown to justify my determining the development other than in accordance with the adopted development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹⁰ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.