
Appeal Decision

Site visit made on 1 June 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/U1105/W/19/3243366

Gardeners Barn, Honiton Bottom, Honiton, 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 Dr Paul Barber against the decision of East Devon District Council.
 - The application Ref 19/1360/FUL, dated 18 June 2019, was refused by notice dated 1 August 2019.
 - The development proposed is described as the change of use and alteration of agricultural building to form dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There are discrepancies between the appeal site address on the Council's decision notice, the original application form and appeal form submitted by the Appellant. For consistency, I have used the site address from the Appellant's appeal form in the banner at the top of this decision letter. Furthermore, I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency.

Main Issues

3. The main issues in this appeal are;
 - Whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on motor vehicles; and,
 - The effect of the proposed change of use on the character and appearance of the surrounding area, having particular regard to the location of the appeal site within the East Devon Area of Outstanding Natural Beauty (the AONB).

Reasons

Location of Development

4. The appeal site is located approximately one kilometre southeast of the nearest settlement at Honiton. There is no dispute between the main parties that the

appeal site is situated outside of the built up area boundary of Honiton and is located within the countryside for planning purposes.

5. Strategy 7 of the East Devon Local Plan 2013 – 2031 (the Local Plan) seeks to restrict development in the countryside unless it accords with a specific Local or Neighbourhood Plan policy which explicitly permits it and where there would be no harm caused to the amenity and environmental qualities of the distinctive landscape in which it is located.
6. Policy D8 of the Local Plan permits the re-use of rural buildings outside of settlements subject to a number of criteria, with specific requirements relating to residential proposals. Amongst other matters, to accord with the Policy requirements, development must be located close to a range of accessible services and facilities to meet the everyday needs of residents and must be in a location that will not substantively add to the need to travel by car.
7. The Appellant has put it to me that the appeal site is not remote by reason of its proximity to Honiton and the services and facilities which the town provides. However, the appeal site is not located close to any other buildings, people or places and therefore can be properly described as being 'isolated' within the context of the National Planning Policy Framework (the Framework).
8. Whilst I acknowledge that Honiton provides a wide range of services and facilities including links to the wider public transport network, access to Honiton from the site is via a narrow, winding, unlit and unmade trackway which is steeply inclined in places, and would require crossing an agricultural field in order to access the trackway. Whilst I acknowledge the Appellant's contention that the appeal proposal would allow for improvements to the trackway surface, the journey to and from Honiton would still require climbing steep hills and using an unlit path.
9. As such it cannot be said that travelling on foot or by bicycle to the nearest facilities which may be required on a day to day basis, would be convenient and, in my view, would not represent a particularly safe or attractive option for pedestrians or cyclists especially during the winter and in adverse weather conditions.
10. It is therefore likely that future occupiers of the proposed dwelling would be reliant on private motor vehicles in order to access even basic services, such as schools or medical facilities. Whilst dependence on private vehicles may be expected in a rural location such as this, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would cause environmental harm as a result of increased car journeys and hence carbon emissions.
11. The Appellant maintains that there would be no substantial increase in the levels of journeys to and from the site, given that the site would still be used for keeping of livestock and that travel to and from the site would still be required on a daily basis in the event that planning permission was not granted. However, whilst I acknowledge the submissions of the Appellant in this regard, in my view the trips generated by a two bedroom dwelling which would potentially include daily trips to schools and other facilities, are likely to be in excess of any vehicle activity resulting from keeping livestock at the appeal site. Accordingly, I find that it is likely that future occupants of the

proposal would be heavily reliant on private motor vehicles and that it would be likely that the appeal scheme would result in increased levels of car journeys.

12. I therefore conclude that the location of the development is unsuitable as it would fail to provide satisfactory access to services and facilities by means other than the private motor car. The proposal would therefore conflict with Strategy 7 and Policy D8 of the Local Plan. The appeal scheme would also be contrary to those provisions of the Framework which seek to improve environmental conditions within the area by protecting the countryside from inappropriate development where there would be a reliance on private motor vehicles.
13. Whilst I acknowledge the submissions of the Appellant and interested parties with regards to the disagreement over the designation of the trackway as a footpath, such matters are subject to civil law and do not fall within the remit of this planning appeal.

Character and Appearance

14. The site is located within the AONB, with the surrounding landscape predominately comprising of agricultural fields, enclosed by well established high hedgerows, and which follow the contours of the surrounding steep sided valleys. The area is remote and isolated with a few, scattered, farm buildings being visible from the appeal site within the surrounding landscape. The AONB represents an area of high scenic quality and the picturesque location of the appeal site contributes positively to the landscape and scenic beauty of the AONB.
15. The Framework states that "great weight should be given to conserving the landscape and scenic beauty of....Areas of Outstanding Natural Beauty...". Strategy 46 of the Local Plan, amongst other things, seeks to ensure that development conserves and enhances the landscape character of the area and in particular the AONB.
16. As noted by the Inspector in relation to a previous appeal¹, the appeal site comprises two agricultural buildings located within the countryside and which were part of a former agricultural holding. With the exception of the two buildings, described as a cart shed and linhay barn, and the presence of some cobbled path areas close to those buildings and which had been predominately overgrown with vegetation, relatively little evidence of the former farmstead remains at the site. By reason of the location of the site, the materials used in their construction, the simple form and utilitarian appearance of the existing buildings makes a positive contribution to the landscape qualities and cultural heritage of this part of the AONB.
17. The cart shed appears to have been constructed predominately in stone with a corrugated sheet metal roof, and the proposal seeks to convert this building into a two storey dwelling. The proposal would not result in any extension to this building thereby retaining its simple form, and would incorporate a new thatched roof to replace the existing corrugated metal sheeting. Existing openings would be maintained with the inclusion of a further window on the proposed south elevation of the building. Consequently, whilst the appearance

¹ Appeal Reference: APP/U1105/W/16/3162203

- of the cart shed would alter to some degree, its utilitarian agricultural appearance would be largely retained.
18. The linhay barn was, at the time of my site visit, somewhat run down with the evidence before me indicating that part of the structure had been repaired following storm damage. The proposal would seek to retain this building with parts of the open fronted structure being closed up to provide separate areas for, amongst other things, storage.
 19. Whilst the proposed approach to the conversion of the cart shed and alterations to the linhay would repair their current appearance, the proposal would result in the residential domestication of the appeal site, with the paraphernalia associated with residential occupation and vehicles likely to be spread over the site and beyond the confines of the buildings. Whilst I acknowledge that the proposed works to the linhay barn would seek to include areas for parking of vehicles and for storage and that the Appellant intends to make full use of this so as to minimise the spread of domestic paraphernalia across the site, this may not reflect the intention of future owners and occupants of the appeal proposal. It would not be possible to adequately control the harmful impact of domestic paraphernalia spread at this location through the application of conditions.
 20. For the above reasons, whilst the conversion and alteration of the existing buildings may improve their appearance and would somewhat reflect the appearance of agricultural buildings, as a result of the alterations made and by reason of the likely presence of domestic paraphernalia, the appeal proposal would nonetheless result in the domestication and urbanisation of this remote rural site.
 21. As noted by the Inspector in the previous appeal which concerned the site and as noted above, whilst the topography and features of the surrounding landscape would limit views of the site, paragraph 172 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the AONB in all instances, irrespective of the prominence of the appeal site. In my view, and for the reasons given above regarding the urbanisation and domestication of the site, the proposal would be at odds with, rather than enhance, the prevailing rural character of the AONB in a location which the Framework highlights as having the highest status of protection in relation to landscape and scenic beauty.
 22. In summary of the above in relation to this main issue, the proposal would conflict with Strategy 46 and Policies D1 and D8 of the Local Plan which, together and amongst other matters, seek to ensure that, through high quality design, development conserves and enhances the landscape character of the area with the conversion of rural buildings resulting in enhancement of the setting. For the reasons given above, the appeal scheme would also not accord with the provisions of paragraph 172 of the Framework.
 23. Further to the above, the appeal scheme would represent an isolated home in the countryside within the context of the Framework. The proposal is for an open market dwelling which has not been advanced as for a rural worker and does not involve the subdivision of an existing residential dwelling. Whilst the proposal would make use of a currently disused building, for the reasons given above the scheme would not enhance its immediate setting. I acknowledge the submissions of the Appellant with regard to the optimal viable use of an asset

which has heritage value, however I have not been provided with sufficient information which confirms that residential occupation would represent the optimal viable use of the site. Consequently, the proposal would not accord with paragraph 79 of the Framework.

24. The Appellant has drawn my attention to a number of other developments which concern the conversion of buildings into accommodation and which have been permitted by the Council. However, with regards to the development at Whimble², the impact of vandalism was a consideration and, it appears from the limited evidence before me, was determined that the proposal would lead to an enhancement of the setting. For the reasons given above, that scheme is not comparable to the appeal proposal.
25. In respect of the developments at Luppitt³ and at the Brand Head Observation Post, it was concluded that those developments would enhance the landscape and scenic beauty of the relevant AONB or related to holiday accommodation. These circumstances are not comparable to the appeal proposal and, accordingly I have determined this appeal on its own merits.

Planning Balance and Conclusion

26. For the reasons given above, the proposal would conflict with the provisions of the development plan and would not accord with the Framework when taken as a whole. The proposed development is not in a suitable location for housing and would be likely to result in increased levels of journeys by car in order to access the services and facilities reasonably needed on a day to day basis. The proposal would result in harm to the character and appearance of the surrounding area and would not enhance or conserve the AONB. I attach significant weight to the identified harm and resulting development plan conflict in the determination of this appeal.
27. The appeal scheme would provide short term employment opportunities during the construction phase, and I acknowledge that future occupants could contribute to the vitality of Honiton. Further benefits would also arise by reason of the contribution made towards local housing supply and from the New Homes Bonus, as well as from the provision of areas for roosting bats and for owls. I also acknowledge that the proposal would incorporate energy efficiency measures and would provide repairs to the existing buildings. However, in my view and by reason of the modest scale of the proposed development, the benefits which the appeal scheme would bring are limited in scope, and would be outweighed by the identified harm described above.
28. The Appellant has put it to me that the proposal would help address the Council's housing shortfall. The position with regards to current housing land supply is disputed by the Council. However, and notwithstanding the above, paragraph 11 (d) (i) advises that where the application of policies within the Framework provides a clear reason for refusing a development proposal, the presumption in favour of sustainable development does not apply. Areas of Outstanding Natural Beauty are specifically protected within the associated Footnote 6. The harm to the AONB described above is therefore sufficient reason to dismiss the appeal, regardless of whether or not the Council is able to demonstrate a five year supply of deliverable housing sites.

² Local Planning Authority Reference: 17/2749/FUL

³ Local Planning Authority Reference: 16/1032/FUL

29. I therefore find that the appeal scheme would not constitute sustainable development and, in accordance with the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR