

Appeal Decision

Site visit made on 1 June 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/U1105/W/19/3243903

Oaklands Farm, Access To Oaklands Farm, Monkton EX14 9QH

- 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 Boote against the decision of East Devon District Council.
 - The application Ref 19/1826/FUL, dated 14 August 2019, was refused by notice dated 19 November 2019.
 - The development proposed is described as change of use and conversion of existing farm shop/café and redundant agricultural buildings to create 5 no. dwellings together with extensive landscaping, vehicle parking and access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Boote against East Devon District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would be in an appropriate location, having particular regard to accessibility and development in the countryside.

Reasons

4. The appeal site is located within Monkton which contains, amongst other aspects, a number of residential properties, agricultural buildings and some facilities and services. These include Monkton Court hotel, the farm shop/café on the appeal site and the Otter Valley Dairy/Ice Cream Parlour, which sells local produce but is predominantly an ice cream parlour and café. Bus stops are located near to Monkton Court and approximately 150 metres from the site.
5. The A30 runs past the site and there are some separated footways along the highway through Monkton. However, the footways are intermittent. Consequently, occupiers of the development wishing to walk to the nearby bus stops, Monkton Court or the Otter Valley Dairy/Ice Cream Parlour would at times have to walk on the carriageway or verge and/or cross the A30 when the separated footway is on the other side. Although I observed some lighting on the A30 during my site visit, it seems to me that parts of the separated footways would also be likely to be relatively dark and unlit at night due to the extensive vegetation separating parts of the footways from the lighting.

- Furthermore, with no separated or dedicated cycle lanes, using a bicycle would require cycling on the carriageway in close proximity to moving vehicles.
6. The evidence before me indicates that the A30 is a Trunk Road and one of the main arterial routes in Devon. I also observed on my site visit that it is a relatively well used through-route with a variety of vehicles passing in both directions. Accordingly, it seems to me that walking or cycling to and from the site would be neither particularly appealing nor safe.
 7. This is likely to discourage walking and cycling to the limited services available in Monkton and the nearby bus stops. Accordingly, occupiers' use of the bus service – which provides links to Honiton, approximately 3.5 kilometres away, and other towns in the area which have onward transport options and services and facilities necessary for day-to-day living – is also likely to be limited. In addition, the available evidence indicates that the bus services which run through Monkton only involve a total of one bus in each direction three days a week. Consequently, the site's situation is not conducive to accessing the development except predominantly by private car.
 8. I accept that this may be the case for rural areas in general and that the National Planning Policy Framework (Framework) recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, occupiers of the proposed development would be highly reliant on one mode of transport – the private car – for many of their journeys and to serve their daily needs. This weighs against the proposal.
 9. Being located within Monkton and situated relatively close to the A30 and a number of buildings, the site is not isolated. However, Strategy 7 of the East Devon Local Plan 2013 to 2031 (EDLP) defines the countryside as all parts of the plan area that are outside of its Built-Up Area Boundaries (BUAB) and site-specific allocations. The EDLP does not identify Monkton as a settlement with a BUAB and the available evidence indicates that the site is also not within a site-specific allocation.
 10. The site is therefore defined by the development plan as being within the countryside. Accordingly, EDLP Strategy 7 is relevant to the acceptability of the development. Amongst other aspects, it restricts development in the countryside to that which is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive qualities within which it is located.
 11. Although there is currently no relevant neighbourhood plan that forms part of the adopted development plan¹, EDLP Policy D8 is relevant as it allows for re-use of rural buildings outside of settlements in certain circumstances. However, Monkton has limited services and goods, and the highway conditions and infrequent bus service are likely to limit occupiers' non-car modes of travel. Accordingly, the proposed development would not meet the requirements of Policy D8 in relation to not substantively adding to the need to travel by car and being located close to a range of accessible services to meet the everyday needs of residents.
 12. In coming to this view, I have taken account of the farm shop/café on the site, that customers are likely to travel there by car, that the proposed development

¹ The available evidence indicates that the Monkton Neighbourhood Plan 2018 – 2033 is currently in draft form and has not been submitted for examination.

would mean the farm shop/café would cease operating, and that Highways England stated in their consultation response that the development will potentially result in a net reduction in trips. However, the submitted Planning, Design and Access Statement sets out that the farm shop/café relies on passing tourist trade and the main parties agree about the reliance on passing trade. The evidence before me indicates that this is different to the situation at the Otter Valley Golf Centre, which it seems to me was a destination in its own right and did not therefore rely on passing trade. The conversion of the building in previous use as a golf centre into a single-dwelling, to which my attention has been drawn, is therefore not particularly relevant to the appeal proposal.

13. I recognise that a reliance on passing trade does not mean that customers do not use a private vehicle to specifically travel to the farm shop/café. However, with the reliance on passing trade, it seems to me that in this instance the closure of the farm shop/café is unlikely to lead to a significant reduction in car travel, while the occupiers of the five proposed dwellings are likely to be highly reliant on the private car. Although the business could in theory be expanded and this could generate increased unique vehicle movements, I give limited weight to this given that it has been put to me that the farm shop/café is no longer viable and the fallback scenario would require substantial investment.
14. Accordingly, the proposed development cannot reasonably be described as not substantively adding to the need to travel by car. Given the limited range of goods and services available in Monkton and the highway conditions and infrequent bus service limiting the means of accessing surrounding towns, neither would it be located close to a range of accessible services which would meet the everyday needs of residents.
15. The Council does not allege that the development would harm the character and appearance of the surrounding area or the landscape and scenic beauty of the Area of Outstanding Natural Beauty. Neither does it allege that the development would not meet the other requirements of EDLP Policy D8. The available evidence and my observations on site do not lead me to a different conclusion on these matters. However, my findings above indicate that the development would not meet all the requirements of Policy D8. Consequently, and on the evidence before me, I find that there is no specific local or neighbourhood plan policy that explicitly permits the development, as required by EDLP Strategy 7. Whether or not parts of the site can be described as previously developed land does not lead me to a different conclusion.
16. For the above reasons, I conclude that the proposed development would not be in an appropriate location, having particular regard to accessibility and development in the countryside. I therefore find that it conflicts with EDLP Strategy 7 and Policies D8 and TC2. Amongst other aspects, these: restrict development in the countryside and allow for re-use of rural buildings outside of settlements in certain circumstances; and require development to be located so as to be accessible by pedestrians, cyclists and public transport and well related to compatible land uses so as to minimise the need to travel by car. The proposal would also be inconsistent with the provisions in the Framework in relation to promoting sustainable transport.

Other matters

17. The main parties have referred to a number of other developments in the district which are said to be relevant to the appeal proposal. However, the

evidence before me indicates that there are differences between the appeal proposal and all of those schemes. This includes, for example, in relation to matters such as the number of dwellings proposed, proximity to local services and facilities and built up area boundaries, prevailing local highway conditions and cycling opportunities on smaller roads and cycle trails, previous/existing uses including with regards to the level of traffic generation, and other considerations such as anti-social behaviour.

18. On this basis, the particular circumstances of the examples put to me are not sufficiently comparable to the appeal proposal and its context to be of more than limited relevance to its acceptability. Consequently, I attach limited weight to them in determining this appeal. In coming to this view, I have noted that the Council disagrees with the Inspector's decision at the Otter Valley Golf Centre² and the appellants' concern with that position. However, while consistency in decision making is important and has been established in case law, the circumstances of that scheme and the others put to me are sufficiently at variance that I have judged this appeal proposal on its individual merits.
19. I noted the Otter Valley Dairy/Ice Cream Parlour on my site visit and I recognise that its opening may have affected business at the farm shop/café. Be that as it may, the circumstances of its approval by the Council and its subsequent opening are not matters for consideration in this appeal.

Planning Balance

20. Amongst other aspects, the Framework supports the re-use of redundant buildings, sets out the need to significantly boost housing supply and promotes making effective use of land. However, it is not alleged that the development plan is out of date and the evidence before me indicates that the Council has a sufficient supply of housing land. I therefore consider that there is no reason, in this instance, why the development plan's policies that are most important for the determination of this appeal should not be accorded very substantial weight.
21. I have found that the proposed development would not be in an appropriate location, having particular regard to accessibility and development in the countryside, and that it therefore conflicts with the development plan. Although the appeal proposal would provide housing and re-use existing buildings, this indicates that the appeal proposal would not make effective use of land.
22. The proposed development would have an acceptable appearance and respect the character and appearance of the surrounding area. It has been put to me that with the agricultural buildings on the site no longer being required by the farm business, a new use must be found for them as they have become redundant and will deteriorate if nothing is done with them. Future viability of the farm shop/café is said to be uncertain given that the farming activities are not intensive, that the business is seasonal and due to the competition created following the opening of the Otter Valley Dairy/Ice Cream Parlour, which is suggested to be a more appealing option for drivers to stop at. I recognise that the appellants also wish to retire and sell the business, and that uncertainty regarding the proposed works to the A30 has resulted in limited interest from the marketing that has been carried out over a number of years. Be that as it

² Appeal Ref APP/U1105/W/19/3234774.

may, these matters do not provide justification for development that conflicts with the development plan.

23. Using existing built form, the proposed development would provide additional family-sized accommodation in a rural area, and the draft Monkton Neighbourhood Plan does identify an expectation for development of between five to ten additional properties, with the majority coming from existing buildings and homes. Occupiers of the proposed development may also use and therefore support the local bus services, Monkton Court Hotel and the Otter Valley Dairy/Ice Cream Parlour. However, given the scale of the development, the benefits would be relatively limited. My above findings also indicate that occupiers' use of the bus would likely be limited.
24. Accordingly, I find that the benefits of the appeal proposal would not outweigh the harm I have identified and the conflict with the EDLP. Accordingly, material considerations do not indicate that the appeal proposal should be determined other than in accordance with the development plan, and the conflict with it is sufficient for me to find against the proposal.

Conclusion

25. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR