
Appeal Decision

Site visit made on 11 August 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/U1105/W/20/3249590

Coldharbour Farm, East Hill, Ottery St Mary EX11 1QL

- 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 Mrs A Broadhurst against the decision of East Devon District Council.
 - The application Ref 19/2233/FUL, dated 8 October 2019, was refused by notice dated 23 January 2020.
 - The development proposed is the change of use of barn to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of barn to dwelling at Coldharbour Farm, East Hill, Ottery St Mary, EX11 1QL, in accordance with the terms of the application, Ref: 19/2233/FUL, dated 8 October 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. In the interests of certainty and precision, I have used the address for the appeal site as provided on the Appeal Form and the Council's Decision Notice, within the banner heading above.

Main Issue

3. 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.

Reasons

4. The appeal scheme seeks the change of use of a barn which forms part of Coldharbour Farm. The site is located outside of the Built-up Area Boundary (the BUAB) as described within the East Devon Local Plan 2013 – 2031 (the Local Plan).
5. Strategy 7 of the Local Plan provides that parts of the plan area outside the BUAB and site-specific allocations shown on the Proposals Map, are considered to be in the countryside. This policy seeks to restrict development outside of the BUAB 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. In relation to development proposals which are located outside of the BUAB, 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. To accord with the policy requirements, the building should no longer be required for agriculture, the conversion will enhance its setting and 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. While the Council's submissions indicate that the building is no longer required for agricultural use having become increasingly redundant over the years and that the proposal would not require substantial alteration or extension to the existing building, the Council maintain that the proposed conversion would not enhance its setting as required in order for the proposal to comply with criterion b) of Policy D8 of the Local Plan. Furthermore, the Council have put it to me that the appeal site is not located close to a range of accessible services and facilities as required by Policy TC2 of the Local Plan and criterion c) of Policy D8 of the Local Plan.
8. In terms of criterion b) of Policy D8 of the Local Plan, the proposed development would, in my view, result in a modest improvement in the external appearance of the building, given its existing somewhat run down appearance when compared to other nearby residential and agricultural buildings. In this respect, I therefore find that the proposal would accord with criterion b) of Policy D8 of the Local Plan.
9. With regards to access to services and facilities, and the requirement that developments should not substantively add to the need to travel by car, the appeal proposal would be located adjacent to a farm shop which, based on the observations made on my site visit, would provide easy access to food shopping which may be required on a day to day basis.
10. Furthermore, the appeal site is located within walking distance of the Ottertots Nursery and would be located within walking or cycling distance of those services and facilities which are located at the edge of Ottery St Mary such as the primary school and wider public transport links.
11. Whilst I acknowledge that Slade Road is relatively narrow in places, without a dedicated footway and is without street lighting close to the appeal site, the walking or cycling distance between the appeal site and the services contained within Ottery St Mary is relatively short. I observed on my site visit that vehicle traffic along Slade Road was light and that the highway was being used by both walkers and cyclists, who appeared to be travelling in the direction of the appeal site from Ottery St Mary. Paragraph 103 of the National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will inherently vary between urban and rural areas.
12. In light of the above, whilst I find that the location of the appeal site may result in some reliance on private vehicular use, outside of daylight hours, during inclement weather and for access to healthcare facilities, by reason of the level of services which are located adjacent to the appeal site and which are located within walkable or cyclable distances, I do not find that the appeal scheme would substantively add to the need to travel by car within this area. I

conclude, therefore, in this regard that the appeal proposal would comply with the requirements of Policies D8 and T2 of the Local Plan.

13. The proposal would provide benefits in terms of an additional unit towards housing supply and would, in my view, play a small part in supporting the viability of businesses located within Otter St Mary and within the locality. Whilst these benefits are limited in scope given the scale of the proposal, they are materially positive.
14. In summary of the above, I find that whilst the proposed conversion would be located outside of the BUAB, the proposal would make use of a redundant agricultural building which would not require substantial alteration and would be located close to a range of accessible services and facilities to meet the everyday needs of residents. There would be no harm caused to the amenity and environmental qualities of the distinctive landscape in which the appeal site is located, and the scheme would enhance the setting. Consequently, the appeal scheme would not conflict with the provisions of Strategy 7 or Policies D8 and T2 of the Local Plan and would accord with the aims and objectives of Strategy 27 of the Local Plan.
15. Whilst I note the references to paragraph 79 of the Framework, given its location adjacent to residential, agricultural and commercial buildings, the proposal would not be located far away from other places, people or buildings and, therefore, would not be considered to be isolated in terms of the Framework. Accordingly, the provisions of paragraph 79 of the Framework do not apply in this instance.

Conditions

16. In light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance, I have considered whether planning conditions are required in relation to this proposed development. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance
17. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. Furthermore, in the interests of wildlife protection, I find it reasonable to include a condition in relation to compliance with the submitted Bat and Protected Species Report.

Conclusion

18. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawings numbers: 8/104 Roof Plan, 3048/103 Floor Plans, 3048/102 Elevations/Side/North and 3048/101 and Elevations/Rear/West received by the Local Planning Authority on 9 October 2019 and Location Plan and 3048/105A Site Plan received by the Local Planning Authority on 23 October 2019.
- 3) The development shall be carried out in accordance with the recommendations and mitigation measures in the Bat and Protected Species Report prepared by Ecologic Consultant Ecologists dated September 2019.