
Appeal Decision

Site visit made on 18 August 2020

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

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/F9498/W/20/3251691

Strawberry Fields (Collings Ball), Shute Lane, Combe Martin, Ilfracombe, Devon EX34 0HW

- 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 & Mrs Turner against the decision of Exmoor National Park Authority.
 - The application Ref 62/19/19/008, dated 21 October 2019, was refused by notice dated 26 March 2020.
 - The development proposed is described as the proposed change of use of agricultural building to two holiday lets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy, I have used the address for the appeal site as provided on the appeal form, and the description of development as provided on the National Park Authority's decision notice, in the banner heading above.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the host building;
 - The effect of the proposed development on the character and appearance of the surrounding area, having particular regard to whether the proposal would conserve and enhance the landscape and scenic beauty of Exmoor National Park;
 - Whether the proposed development would be in a suitable location, having regard to local and national planning policies; and,
 - The effect of the proposed development on highway safety.

Reasons

Host Building

4. The National Park Authority (the NPA) maintain that the appeal proposal would require significant alteration to the existing agricultural building and thereby would result in a building which would not reflect its intended original use as an agricultural building.

5. Policy CE-S5 of the Exmoor National Park Local Plan 2011 – 2031 (the Local Plan), amongst other matters, requires that the conversion or structural alteration of existing buildings will only be permitted where it has been clearly demonstrated that the building is capable of conversion without substantial reconstruction and, furthermore, is suitable in terms of the intended use and the intensity of that use, in relation to its capacity, structure and character without substantial alteration.
6. The existing building is single storey in height and comprises a number of pens arranged within different areas of this modern agricultural building. On the southern elevation of the existing building, there is an attached structure which comprises a low block wall and is predominately enclosed with metal sheeting that, in parts, does not reach the level of the roof. Whilst the main parties disagree as to whether this attached structure forms part of the overall existing building, it is apparent from the information before me that in order for this structure to be used in forming part of an external wall within the proposed building, a substantial amount of reconstruction and alteration would be required.
7. Furthermore, whilst I note that, once alterations have been made to remove a substantial section of the attached structure described above, there would be no significant increase in the overall number of openings when compared to the existing position, the proposal would nonetheless require that a considerable number of the existing openings be enlarged to a significant degree.
8. It is further noted that the plans provided indicate that the steps on the western elevation of the existing building would be altered in order to provide an area of decking and outdoor amenity space and that additional steps, into the building, would be constructed on the north elevation. Whilst it is acknowledged that the structural survey has found that the building is structurally sound for conversion, these factors, in combination with the above matters regarding the removal and reconstruction of walls and the significant enlargement of windows, leads me to the conclusion that the appeal scheme would require substantial reconstruction and alteration of the existing building.
9. Irrespective of the materials to be used in the construction of the proposal, the scope of alterations to the existing building as described above would be significant. I, therefore, conclude that the appeal scheme would conflict with the provisions of Policy CE-S5 of the Local Plan with regards to the suitability of the existing building for conversion into the proposed accommodation.
10. The NPA refer to conflict with the National Planning Policy Framework (the Framework) within their reason for refusal. However, I have not been provided with any submissions or supporting information as to why the NPA consider the appeal scheme, with regards to the alterations, would conflict with any specific provision contained within the Framework. Nonetheless, the proposal's conflict with the development plan policy weighs significantly against the proposed scheme in the determination of this appeal.
11. The Appellants have put it to me that further adjustments can be made to the proposal, such as the removal of the steps that would be positioned adjoining the north elevation of the proposed building. However, I have not been provided with any plans or additional details as to the degree and form that such proposed changes would make to the proposal. Annexe M of The Procedural Guide, Planning Appeals – England clarifies that the appeal should

not be used to evolve the application. Consequently, the determination of this appeal has been concluded on the basis of the application, which was made to the Local Planning Authority, and upon which the opportunity for consultations has been provided.

Character and Appearance

12. The appeal site is located within a picturesque area of countryside and within the boundary of the National Park. The surrounding area exhibits a strong rural character, with fields and scatter of agricultural buildings contributing positively to the intrinsic beauty and character of the surrounding countryside. This character is reinforced by the appeal site and existing building which contribute to the overriding agricultural character and appearance of the setting of the site and the appeal building, and the wider landscape.
13. The appeal site is located adjacent to Shute Lane, with the land towards the north of the appeal site sloping steeply away downhill from the site, forming one side of a steeply inclined valley. Given its location on a terrace towards the top of the valley side, the appeal site is highly visible from within the surrounding landscape.
14. The existing agricultural building is unassuming and visually unremarkable within the landscape, given its simple utilitarian design and modest scale. The existing building appears to be entirely typical in relation to its original agricultural purpose and is consistent with the countryside character and appearance of the surrounding area and National Park.
15. The size and shape of the building would remain relatively unchanged by the appeal proposal. However, as noted above, the proposal would include the addition of new steps which are substantial in terms of their bulk and would include several domestically sized windows on the northern elevation of the proposed building. While the overall form of the original building would largely be retained and, following the proposed demolition of part of the attached structure, the number of new window openings would be limited, the proposed alterations would nonetheless lead to the building taking on a more domestic appearance. This would be most apparent when viewed from the north and, consequently, the agricultural character and appearance of the existing building, and its contribution to the rural setting, would be diminished.
16. The domestic use of the site, albeit restricted for holiday use as proposed, including the likely use of garden furniture on the proposed decking area and external rotary dryer to be positioned adjacent to the eastern elevation of the appeal building, would also alter the character of activity on the site, in comparison with the existing agricultural building.
17. Whilst I acknowledge the submissions of the Appellants with regards to changes in ground levels around the appeal building, there is relatively little information provided in relation to the proposed position of a sewage treatment plant which the plans indicate would be located north of the appeal building. In this respect, and given the limited amount of information available, I cannot conclude whether such works would further alter or erode the character and appearance of the building or affect its setting within the picturesque landscape as described above.

18. I note the comments from the NPA with regards to the need for additional fencing at the appeal site for matters of health and safety and in this regard, given the steeply sloping nature of the land north of the appeal site, I agree that it is likely that such arrangements would be necessary in order to protect the health and safety of visitors. However, in my experience, it is not uncommon that agricultural buildings used for the accommodation of livestock would have some fencing around the building and, through the application of appropriate conditions regarding the materials to be used, I consider that some additional fencing at the appeal site would not necessarily alter or adversely affect the agricultural appearance of the building or the site.
19. Notwithstanding the conclusion regarding additional fencing, for the reasons given above I conclude that the appeal scheme would significantly alter the character and appearance of the site from agricultural to domestic. In my view, the proposed development would, thereby, be harmful to the intrinsic character and beauty of the countryside and would be harmful to the landscape and scenic beauty of Exmoor National Park.
20. Consequently, the appeal scheme would conflict with Policies GP1, CE-S1, CE-D1, CE-S5, CE-S6, RT-S1 and RT-D4 of the Local Plan which, amongst other things, requires that development proposals in the National Park conserve and enhance the distinctive characteristics of the landscape, minimising visual impact through high quality design that reflects local landscape character and does not result in harm to the character of the building or its setting. Furthermore, the appeal proposal would conflict with paragraphs 170 and 172 of the Framework which, amongst other matters, requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

Location of Development

21. Policy RT-D4 of the Local Plan provides that the conversion of buildings to non-serviced accommodation will be supported where it will, amongst other matters, relate to the diversification of a rural business with the existing building being "well-related to an existing grouping of buildings". The supporting text of this policy confirms that consideration of the proposal against Policy SE-S5 of the Local Plan is also required which, in this instance, as the existing building can properly be described as non-traditional, requires that proposals must be well related to an existing group of buildings on a farmstead. The glossary to the Local Plan provides a definition of 'farmstead' as being a "clear grouping of farm buildings with an existing dwelling".
22. The NPA maintain that by reason of the changes in land levels, presence of screening vegetation and a narrow single track lane which separates the appeal site from Strawberry Fields, the proposal would not be well-related to an existing farmstead.
23. In this regard, and in my experience, the rural areas of North Devon provide a number of examples of farming enterprises where the buildings that form the core of the farmstead are arranged either side of a highway and, in this respect, such arrangements somewhat contribute to the character and appeal of the area. From the observations made on my site visit, whilst it was noted that the appeal site was separated from the group of existing buildings at Strawberry Fields by Shute Lane, by reason of the close physical proximity and visual association of the site to the group of agricultural buildings on both sides

of the lane, in my view the site is inextricably linked to the farming enterprise and would form part of the farmstead.

24. In relation to the appeal scheme and this main issue, I conclude that the appeal site is well-related to an existing farmstead within the context of the Local Plan. Consequently, the proposed development would not conflict with criterion 1. of Policy RT-D4 or conflict with Policy SE-S5 of the Local Plan with regards to the appeals site's location forming part of the farmstead. Furthermore, the proposal would comply with the provisions of the Framework with regards criterion b) of paragraph 83 of the Framework.

Highway Safety

25. The appeal site is accessed from Shute Lane, being a narrow, single track lane, which is steeply inclined in places close to the site. The NPA express concern that the proposal would have an adverse effect on highway safety, due to restricted visibility available to drivers when emerging from the site onto Shute Lane.
26. From the evidence before me and from the observations made on my site visit, Shute Lane is relatively lightly trafficked and, by reason of the winding nature of the lane and the steep incline uphill from Combe Martin, vehicles approaching and passing the site from that direction are likely to be travelling at very slow speeds and with care. With regards vehicles which are travelling in the direction of Combe Martin, the lane is formed of a long straight section as it approaches the proposed point of access to the appeal site.
27. On my site visit, I saw that vehicles emerging from the appeal site would have sufficient and adequate visibility towards the east and uphill within Shute Lane. Furthermore, whilst it is acknowledged that visibility to the west would be more restricted, given the circumstances described above in relation to the narrow and steeply inclined nature of the lane and due to the level of visibility that was available, I found that I was able to safely egress from the site without the need to employ a 'peep and creep' method. I therefore conclude that the appeal site currently provides sufficient visibility in both directions and, accordingly, in such circumstances I am not persuaded that the proposal would have an unacceptable effect on highway safety in this regard.
28. The NPA has indicated that works have been carried out by the Appellants to the banks which are located either side of the proposed access, without planning permission and after the appeal scheme was refused by the NPA. In this regard, whilst the concerns of the NPA are noted, based on the evidence that is before me and from observations made, as at the date of my visit, use of the point of access would not have a detrimental impact on highway safety with regards to visibility. With regards to whether any works that were carried out would require consideration and planning permission, this is not a matter for my determination under this section 78 appeal.
29. The proposed use of the site would not, in my view, have a severe residual impact on the road network. Therefore, in combination with the above reasons, I conclude that the proposal would not be harmful to highway safety. Accordingly, the appeal scheme would comply with the requirements contained within Policies AC-D2, RT-S1 and RT-D4 of the Local Plan which, amongst other matters, seeks to ensure that development provides safe access and would not

prejudice highway safety. Furthermore, for the reason given above, the appeal proposal would also comply with paragraph 109 of the Framework.

Other Matters

30. The Appellants have referred to an appeal decision which, from the very limited amount of information before me, appears to relate to a site in Bedfordshire and concerns an application for costs. The appeal before me does not appear to include a costs application and there is no information before me to suggest that the Appellants are seeking a full or partial award of costs on any particular grounds that would be supported by the brief details given in relation to the referenced appeal decision. The matters do not appear, from the very limited amount of information provided, to be comparable and, in any event, this appeal decision has been determined on its own merits and based on the evidence that is before me.
31. The Framework provides that the concept of sustainable development comprises three dimensions – being the economic, social and environmental elements of the proposal. In these regards, I acknowledge that the proposal would have some economic benefits including in respect of the diversification of the existing farming enterprise. I also appreciate that tourism enterprise in rural areas is important to support a prosperous rural economy, including in terms of supporting jobs. However, these benefits are limited by the scale of the proposal and, consequently, I attach moderate weight to these factors in the determination of this appeal.
32. In terms of social benefits, where education of visitors in relation to farming practices is provided, the benefit may be considerable. However, in this instance whilst I acknowledge the Appellants' intention to provide experience of farming, there is no evidence before me which confirms how this would be achieved in practice. I therefore attach moderate weight to this consideration in the determination of this appeal.
33. Against these benefits, for the reasons given above, the proposal would result in harm to the intrinsic beauty of the countryside and would fail to conserve and enhance the landscape and scenic beauty of Exmoor National Park. Furthermore, whilst I note that there are services and facilities within Combe Martin, access to that settlement would be along unlit, very steeply inclined narrow lanes and, therefore, visitors to the proposed holiday accommodation would be likely to be heavily reliant on private motor vehicles when accessing the wider area, thereby causing environmental harm as a result of increased car journeys and hence carbon emissions.
34. By reason of the importance that the Framework places on the conservation of the environment, the preservation of the intrinsic character and beauty of the countryside and the conservation of National Parks, I attach significant weight to these considerations in the determination of this appeal. Consequently, in light of the above, I conclude that the benefits of the appeal scheme would be outweighed by the harm identified above.
35. The Appellants submitted the proposed development following pre-application advice from the NPA. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Whilst it is not binding, it is clearly unfortunate if proposals are initially supported but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is

considered afresh and, as a consequence of this, the positive feedback given at pre-application stage does not warrant allowing the appeal.

36. Further to the above, it is with regret that I note the Appellants' frustrations with the National Park Authority's communication and the way in which it handled the application. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.

Conclusions

37. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan and the Framework when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR