



Appeal Decision

Site visit made on 3 August 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/P1133/W/20/3247169

Woodlands, Stoneyhill, Abbotskerswell TQ12 5LH

- 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 Annette Frazier against the decision of Teignbridge District Council.
 - The application Ref 19/01244/FUL, dated 10 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is retention of building for purposes ancillary to dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the nature and siting of the building accords with local policies in terms of its location within the countryside and its relationship with the host dwelling; and
 - the effects of the proposal on the character and appearance of the area.

Reasons

3. The single storey building is situated to the far south-west of the host dwelling, Woodlands, accessed via an extension of the driveway that also serves an agricultural building. The appeal building and agricultural building are broadly opposite one another across a small hardsurfaced yard. The host dwelling and building are substantially spaced apart and intervisibility between the two is prevented by their respective siting, screening by trees and fencing and by the difference in ground levels.
4. Through details in the plans and from observations made during my site visit, the building has been provided with a number of rooms which have functions typical of a dwelling, albeit on a modest scale, i.e. kitchen, lounge, bathroom and other rooms such as an office and secure store that could serve as bedrooms. It also appears to have its own heating supply. It therefore has all of the day-to-day facilities that would enable its use as a separate dwelling.
5. The appellant's position is that the building should be retained for a number of purposes ancillary to the residential use of the host dwelling, including as overspill sleeping accommodation, as a playroom, office use and for storage purposes ancillary to the house and attendant land. It is also suggested that it has, and would be used for occasional one-to-one counselling of children with

special needs, though there is limited evidence to corroborate the claim that this is a long-established use of the appeal site.

6. Whilst the appellant highlights that Local Plan Policy WE8 permits outbuildings subject to certain criteria, the Policy is based on such buildings being within the domestic curtilage of the host dwelling. Despite that the application red line plan encompasses the land surrounding the appeal building and that the appellant refers to the area as 'back garden', it does not immediately appear to form part of the originally intended residential garden. There is no evidence, either in the form of a Certificate of Lawful Use¹ or similar, to suggest that the established residential use of the land surrounding Woodlands covers such an extensive area and that the agricultural building also forms a part thereof.
7. In the absence of such evidence to indicate the established residential use of the land, or an application to change its use accordingly, and due to the ability for the building to be used entirely independently of the host dwelling, the proposal does not accord with Local Plan Policy WE8. Rather, it should be treated as new development in the countryside.
8. Under Policy S1 of the Teignbridge Local Plan 2013 – 2033 (adopted 2014) (Local Plan), development is assessed against a range of criteria in order to minimise travel, and ensure the delivery of sustainable settlements and a resilient rural economy. Policy S22 specifically details that in the countryside, development will be strictly managed to and limited to proposals for affordable housing, replacement dwellings, dwellings for a range of rural workers, buildings for agricultural, forestry, equine, industry, business, warehousing, retail, leisure and tourist uses, infrastructure and community developments and alterations and extensions to existing dwellings.
9. The proposal is not put forward as one for a separate unit of residential accommodation, though the parties appear to agree that the countryside location of the site would render it unsuitable for such purposes in any event. The proposal does not fit under any other category of development that may be supportable in the countryside under Local Plan Policy S22. It is therefore in conflict with, in particular, Policies S1 and S22 of the Local Plan.

Character and appearance

10. The single storey, chalet-style building has a hipped roof form which substantially overhangs the walls, with the effect that there is a covered walkway immediately surrounding the building. The walls are clad with a cement fibre timber-effect boarding in a pale yellow colour and it has grey cement roof tiles. It has window and door openings which are typically sized and spaced for domestic use and which have UPVC units installed therein.
11. Due to its form and design, the building appears jarringly angular and top-heavy. There is little to suggest that it has been designed with reference to the host dwelling or other dwellings in its surroundings. Though there are a variety of bungalows and two storey houses in the area, they are of more traditional forms and designs with more proportionate roof profiles. Furthermore, the building does not appear to have taken any design reference from the agricultural building, which has a pleasantly simple form and construction materials typical for its use and countryside location.

¹ Under Section 191 of the Town and Country Planning Act 1990 (as amended)

12. Though it is sited so as to be largely out of public view, the building is an incongruous addition given the design context set by the buildings in the immediate surroundings. The need for development to be well-designed does not rely on it being seen by a wider public audience. In addition, the notable difference in its appearance compared with those in the surroundings is exacerbated by the artificial finish of its external wall cladding material.
13. As such, the design and appearance of the building is harmful to the character and appearance of the area, contrary to Local Plan Policies S2 and EN2A. These Policies, amongst other things, seeks to secure high quality design that is specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area.

Other Matters

14. The appellant indicates that the overhanging roof overhang aspect has been deliberately designed to accommodate Greater Horseshoe bats. However, there is little evidence to suggest that this feature is capable of supporting the species more readily than a building with a more traditional form, particularly in the absence of any specific bat entry points or boxes.
15. I note from the evidence that the design of the building and range of room functions seeks to provide a homely environment for patient consultations. Whilst this may be a consideration, there is limited evidence before me in relation to the counselling practice that may exist at the site or the need for this 'occasional' use of the building to dictate its layout and functionality, particularly given the degree of its detachment from the host dwelling.

Planning Balance and Conclusion

16. The proposal conflicts with the Development Plan as a whole. There are no considerations of sufficient materiality to outweigh this conflict.
17. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR