



Appeal Decision

Site visit made on 24 November 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/W1145/W/20/3255356

Littlemoor, Littleham, Devon EX39 5EF

- 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 Mike Bridges against the decision of Torridge District Council.
 - The application Ref 1/0947/2019/FUL, dated 26 September 2019, was refused by notice dated 13 March 2020.
 - The development proposed is the demolition of former agricultural building and construction of single storey holiday accommodation.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have considered the appeal on the plans submitted, which appear to show that the existing building would be demolished, reflecting the appellant's description of the proposal in the banner heading above.

Main Issues

3. The main issues are;
 - The suitability of the location for the proposed development, with particular regard to its effect on the character and appearance of the area, including its effect on an existing oak tree and;
 - The biodiversity of the area.

Reasons

4. The appeal site is located outside of any defined settlement and would provide new tourism accommodation, as such Policy DM18 of the North Devon and Torridge Local Plan, 2011-2031, 2018, (LP) is triggered. The Policy seeks to strictly manage new tourism development in the countryside, listing various exceptions and criteria for its approval.
5. Those exceptions broadly include, where the proposal directly relates to an existing tourism, visitor or leisure attraction; or where the proposal would reuse or convert existing buildings; or where the proposal would improve existing facilities for or diversify the range or improve the quality of existing tourism accommodation.
6. The proposal would not meet the first two criteria as it would not directly relate to existing tourism facilities, albeit there are attractions a short drive away, or reuse or convert existing buildings. However, the appellant has provided

evidence from a lettings agent supporting the need for the proposed development as it would increase the supply and improve the quality of existing tourism accommodation in the area. I accept that existing facilities do not exist at the appeal site, however it is not stated in the policy that they need be.

7. As such other criteria of Policy DM18 are required to be met. I have no evidence before me to suggest that the appeal site forms part of any protected landscape or would effect any designated heritage or environmental assets. The proposal's rural location would likely require the use of a private vehicle for access, however I have no reason to consider that a one bedroomed holiday let would adversely effect the local road network with regard the type and scale of traffic which would be generated, or harm highway safety. The remaining criteria effectively consider the effect of the proposal on the character and appearance of the area, which I have considered below.
8. The topography of the appeal site slopes away from the house with the existing buildings of the property and neighbouring farm forming a small conglomeration of buildings, nestled in the hillside. As such the existing grouping of development positively contributes to the character and appearance of the area, reflecting the sporadic agricultural built form in the wider landscape. An established Oak tree also sits in close proximity to the proposal. Although not protected, the Oak does contribute positively to the wider landscape, breaking up the low hedgerow arrangement
9. The existing small agricultural building has a shallow sloping roof and a front elevation with two small windows. This would be demolished and replaced with a building of approximately twice the footprint, incorporating expansive glazing to the front elevation and a pitched roof arrangement. The overall width, proposed glazing and roof arrangement, would make it harmfully more dominant and conspicuous in distant views than that which it would replace and fail to assimilate with its surrounds.
10. I accept that the building would be located in what currently appears more as the grounds of the existing property than a field and seen in the same context as existing development, which would reduce its associated harm. However, there would still be moderate harm. Although landscaping would help screen the proposal, I have no detail of this before me and the necessary planting would be such that it would likely take time to establish. Furthermore, any tall planting would likely create harm to the character and appearance of the area. Therefore, in this instance a condition regarding its future consideration is not considered appropriate.
11. No detail has been provided relating to how the existing Oak tree would be protected from harm during construction or in the longer term as a result of the proposed development. I do though note that the appellant has stated a desire to keep the existing tree. However, given the close proximity of the proposal to the tree, I have no certainty that it would not be adversely effected from the evidence before me, and not result in further harm to the character and appearance of the area.
12. The appellant has proposed to relocate the proposed building further down the hillside to reduce the likelihood of any associated harm to the Oak and the wider character and appearance of the area. However, this would not be an

appropriate condition for me to impose as it would materially change the proposal which has been advertised and considered previously by the Council.

13. Likewise, the appellant has proposed to use a slab base for the new building to avoid root damage to the tree. However, I have no detail of this before me, furthermore it would not offset the identified harm of the proposed building in the wider landscape.
14. Therefore, the proposal would not accord with policies ST07 and DM18 of the LP which, amongst other things, seek to ensure tourism development in open countryside is appropriately managed. Likewise, the proposal would not accord with policies DM04 and ST04 of the LP which seek, amongst other things, to ensure that development proposals be well related and sympathetic to the character and appearance of the area. The proposal would also not accord with policies ST14 and DM08A insofar as they seek to ensure that the area's natural environment is protected and enhanced, and that new development respects existing landscapes.

Biodiversity

15. The existing building has openings to both sides, making it readily accessible to wildlife. By virtue of its location, adjacent to established hedgerows and trees, in addition to its setting in the wider open rural landscape, the building may therefore be likely to support existing ecology, including protected species.
16. Notwithstanding the wildlife statements provided, in my role as decisionmaker I have statutory duties to ensure that no harm comes to protected species. In the absence of substantive evidence to the contrary from an appropriately qualified person, I am not sufficiently assured that the proposal would not result in harm to protected species, and as such, I must take a precautionary approach. I also cannot delegate this duty to the Council through the use of a condition for future consideration.
17. I fully acknowledge that the Council did not seek the necessary survey information from the appellant as they saw it as unnecessary expense. However, without such evidence I am unable satisfy myself that no harm would come to biodiversity, including protected species, as a result of the proposed development. The Council did point out their concerns with regard the issue in their decision notice, and I do not consider that this has been adequately addressed as part of the appeal before me.
18. Therefore, in the absence of substantive evidence to the contrary, the proposed development would not accord with the elements of Policy DM08 and ST14 of the LP which seeks to ensure that proposed development does not harm biodiversity, including protected species and their habitats.

Other matters and planning balance

19. The appellant states that the neighbouring farm contains holiday accommodation. However, no detail has been provided of its previous acceptance and I must consider the proposal on its own merits.
20. I acknowledge that the proposal would likely provide additional income for the appellant. However, this would be a largely private, rather than public benefit.

21. The proposed development would not conform with the Council's requirements for tourism accommodation provision in the open countryside and would result in harm to the character and appearance of the area. I also have insufficient information to determine that biodiversity of the area, including protected species would not be harmed by the proposal.
22. The proposed development would add to the mix of local holiday letting accommodation and likely provide minor local economic benefit during its construction, as well as through its ongoing use as a holiday let in the future. However, these benefits do not in my view outweigh the identified harm.

Conclusion

23. Therefore, for the reasons above the appeal is dismissed.

M Scriven

INSPECTOR