



Appeal Decision

Site Visit made on 23 February 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2021

Appeal Ref: APP/U1105/W/20/3261920

Water Tower, Mount Pleasant, near Aylesbeare EX5 2JS

- 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 John Lomax against the decision of East Devon District Council.
 - The application Ref 20/1779/FUL, dated 17 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is Provision of additional secure storage space adjacent and within structure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would be in an appropriate location, having regard to development plan policies.

Reasons

Character and appearance

3. The appeal site adjoins the B3180 public highway and is situated on the edge of but within the East Devon Area of Outstanding Natural Beauty (AONB). It includes a fenced compound containing some small equipment cabinets and a water tower which consists of a tall but slender, steel-framed support structure with a wider water tank on top. There is also a taller latticed telecoms mast and associated cabinets enclosed by fencing immediately to the rear. However, the site is surrounded by trees and situated in the countryside where woodland and fields predominate and development is relatively limited and scattered. Despite the water tank's more solid nature, the limited scale of the ground-level structures and the slender form, mostly open design and limited bulk and mass of the water tower structure and nearby mast mean that they read as secondary features to the surrounding trees and undeveloped countryside beyond. Accordingly, the site and its immediate locality have a relatively open character and verdant appearance which contributes positively to the surrounding landscape and scenic beauty of the AONB.
4. Although partially set within the slatted frame of the water tower, the proposed development would appear as a significant, bulky addition to the slender and

open structure of the water tower. Notably increasing the presence of built form on the site and extending either side of the tower and well above the existing fence, it would therefore erode the site's open character and dominate its surroundings. Although the rising verge and hedge along the highway and the surrounding trees provide some screening of the site on all sides, the appeal proposal would nevertheless be visible in public views, along the adjacent highway and from the vicinity of the junction to the north. This would be particularly so when the trees are not in leaf and, as I observed on my site visit, views of it would involve significantly more than simply a fleeting glimpse.

5. Given its position, mass and height, it would therefore read as an unacceptable addition and harmful intrusion into the site and the surrounding landscape. Neither the presence of the existing water tower and adjacent mast, the site's position on the edge of the AONB nor the proposed grass roof, green coloured metal cladding and matching cross bracing elevational detailing of the two-story storage building lead me to a different conclusion. In coming to this view, I have also taken into account that AONBs do not preclude small scale development in principle.
6. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Strategies 7 and 46 and Policies D1 and E5 of the East Devon Local Plan 2013 to 2031 (EDLP). Amongst other aspects, these give great weight to conserving and enhancing the natural beauty of AONBs, set out that development will only be permitted where it conserves and enhances the landscape character of the area, and require development to blend into their location, respect the key characteristics and special qualities of the area and neither harm the distinctive landscape nor adversely affect important landscape characteristics. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places and conserving and enhancing the natural environment.

Location

7. Given the highway conditions in the locality, with the road running past the site being relatively busy and not containing any lighting or a separate footway, the site is not in a particularly accessible location except by private vehicle. Due to the limited number of properties in the surrounding area, it seems to me that the appeal scheme also cannot reasonably be described as providing employment close to where people live. However, while the supporting text to EDLP Policy E5 refers to reducing 'out commuting' and providing premises close to where people live, the policy itself does not include these aspects.
8. Instead, it sets out that small scale economic development and expansion of existing businesses designed to provide jobs for local people will be permitted in rural areas subject to certain requirements and criteria. In this case, the appeal scheme, making use of the existing water tower and being on previously developed land, can reasonably be described as small scale economic development and would provide, even if somewhat limited, some employment. However, despite this and there being no direct conflict with the policy in relation to the site's accessibility being limited to the private vehicle, the harm I have identified to the character and appearance of the surrounding area means that the proposed development would not blend into its location, contrary to the criteria in EDLP Policy E5.

9. EDLP Strategy 7 sets out that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm, amongst other aspects, the distinctive landscape qualities within which it is located. Given my findings above, the appeal scheme also fails to accord with Strategy 7. Accordingly, I conclude that the proposed development would not be in an appropriate location having regard to development plan policies. It would also be inconsistent with the provisions in the Framework in relation to supporting a rural economy, which set out amongst other aspects the importance of ensuring that such development is sensitive to its surroundings.

Planning Balance

10. On the basis of the existing water tower storage tank, the main parties agree that the fenced compound can lawfully be used for storage/distribution purposes. The proposed development thus seeks the provision of additional secure storage by infilling and extending the existing water tower structure, through the erection of a two-storey building, and does not involve a proposed change of use of the site. It has therefore been put to me that the fallback to the appeal proposal is that the water tank could be used as storage and that the site could also house open storage. Indeed, it is said that the site would already be being used for such purposes if it were not for the current Covid-related restrictions and that there has also been storage of objects on the site and no permission is required to continue this in the future.
11. Be that as it may, I have little substantive evidence as to what form and scale of open storage would occur on the site if planning permission was not granted for the development proposed. It seems to me that such storage would also be unlikely to equate to the scale and height of the appeal proposal. The harm arising from the fallback scenario would therefore likely be significantly less than that of the proposed development. In addition, I note that the Council consider it highly likely that for example the use of shipping containers or other operational development to securely store items on the site would require planning permission, and the submitted evidence does not lead me to a different conclusion. Consequently, the fallback position attracts limited weight and is neither determinative as to the acceptability of the proposal nor does it provide justification for development that conflicts with the development plan.
12. I have found that the proposed development would harm the character and appearance of the surrounding area, which includes the AONB, and would not be in an appropriate location having regard to development plan policies. The appeal scheme therefore conflicts with Strategies 7 and 46 and Policies D1 and E5 of the EDLP and the provisions in the Framework in relation to achieving well-designed places, conserving and enhancing the natural environment and supporting a rural economy. The reliance on the private vehicle due to the site's location and surrounding highway conditions also weighs against the proposal and does not accord with the overall aims of EDLP Policy E5 or the Framework in relation to providing premises close to where people live to reduce out commuting and exploiting opportunities to make a location more sustainable. In coming to this view, I have taken into account that the items to be stored on the site are likely to need to be delivered and removed by motor vehicle and that the majority of the business associated with the proposed storage facility would be carried out remotely.

13. The appellant's Planning Statement sets out that the development would restore the original tower, reverse the early signs of decay in the tank and secure its structural integrity. This would help to preserve the water tower, which is said to be a relatively rare specimen of a Braithwaite Tower and to be an important part of our cultural heritage. Be that as it may, I have little substantive evidence that it is a designated or non-designated heritage asset and, although the conservation and enhancement of cultural heritage is an important consideration, the Framework does not include AONBs when referring to giving great weight to conserving and enhancing cultural heritage. I therefore attach moderate weight to the appeal proposal helping to preserve the water tower.
14. The appeal scheme would provide some economic benefits. This includes the provision of additional secure storage space available for businesses and individuals, and I note it is said that two floors of storage have been proposed due to business demand and reflect the strong interest in safe storage on the site. In addition, there would be some direct employment related to managing the storage facility and the proposed development would also generate an income for the appellant. However, given the scale of the development, the economic benefits associated with the increased availability of secure storage in the area and the income and direct employment generated by the appeal proposal would be relatively limited.
15. Accordingly, I find that the above considerations and benefits arising from the proposed development would neither outweigh the harm I have identified and the great weight given to conserving and enhancing the landscape and scenic beauty of AONBs, nor justify a departure from the local plan. In coming to this view, I have taken into account that evidence of economic success or need is not a requirement of most planning applications. My attention has also been drawn to the permission at Hunthay Farm for storage. However, the evidence before me indicates that the development there is not particularly relevant to the appeal scheme given Hunthay Farm forms part of an established business park set away from the highway and the Council have confirmed that it is also not within an AONB. Accordingly, I have determined the appeal proposal on its own merits, based on the submitted evidence.

Conclusion

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

T Gethin

INSPECTOR