



Appeal Decision

Site Visit made on 27 July 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/P1133/W/21/3272981

Unit 2, Rebecca Springs, Nadderwater, Exeter EX4 2JH

- 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 L Joyce against the decision of Teignbridge District Council.
 - The application Ref 20/02344/FUL, dated 10 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is conversion of disused B8 business unit to a residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of disused B8 business unit to a residential dwelling at Unit 2, Rebecca Springs, Nadderwater, Exeter EX4 2JH in accordance with the terms of the application, Ref 20/02344/FUL, dated 11 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; MB/1383/0519/200_02; 200132.JOYCE.01SK.
 - 3) Prior to the occupation of the dwelling hereby permitted, the external elevations shall be finished with the materials specified on the application form and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Main Issue

2. The main issue is whether the proposal is in an appropriate location, with regard to relevant policies for the location of housing.

Reasons

3. The site is in the countryside. In considering a previous appeal¹ in relation to a different building at the Rebecca Springs site, another Inspector found the site to be sufficiently isolated from settlements to be considered in the context of Policy S22 of the Teignbridge Local Plan 2014 (LP) and Paragraph 79 of the (previous) National Planning Policy Framework (the Framework). The Council's officer report suggests that the site is not isolated, but, while I note the presence of other dwellings in the vicinity, it does not give substantive reasons

¹ Ref. APP/P1133/W/20/3245469

as to why. I, therefore, give greater weight to the earlier appeal decision on that matter.

4. LP Policy S22 seeks to strictly manage development in the countryside to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. There is no support for the proposal in that policy, nor any other LP policy, so it is contrary to the development plan. Framework Paragraph 80, like Paragraph 79 of the previous Framework, however, supports proposals for the re-use of redundant or disused buildings that enhance their immediate setting.
5. The previous Inspector found that the proposal in the other case fell short of genuine enhancement. They also could not conclude that the building was disused or redundant. The building in this case has been previously used for industrial storage purposes, although it currently has no apparent use. While it is possible that a similar use could recommence, in its current, somewhat poor, condition there is no obvious prospect of that. I find it disused for the purposes of Paragraph 80.
6. The building currently has a rather unkempt appearance. While its form is characteristic of the agricultural landscape and adjoining former farm buildings, this condition detracts from the character and appearance of the Area of Great Landscape Value within which the site is located. The works would repair the building and lead to an improvement to its appearance and enhancement to its immediate setting.
7. The Council considers that a comprehensive masterplan for the site is the best way to deliver the enhancement required by the Framework. While that may deliver greater enhancement, I find the works proposed from this development in isolation are sufficient for paragraph 80.
8. I note the shortcomings in accessibility to services and facilities. However, support from the Framework conferred by Paragraph 80 is not conditional upon this matter. I, therefore, find that the proposal complies with the Framework, taken as a whole.
9. There is a conflict with the development plan which does not allow new dwellings in the countryside. However, as Government policy, I attach very substantial weight to the Framework which does support the proposal. In the absence of any specific LP policy relating to residential barn conversions, I find that the policies of the Framework, in this case, indicate a decision otherwise than in accordance with the development plan.

Other Matters

10. The Parish Council point to inconsistencies in the application, but with regard to the description and submitted plans, there is nothing particularly unclear about the proposal. There would be internal steps within the building, but I have not been directed to any planning policy that would prevent such an arrangement, nor to the ancillary workshop space that would be provided. The Parish Council are also concerned that a precedent could be set for proposals at other buildings, but, like the previous appeal at the Rebecca Springs site, each case must be assessed on its own merits with regard to the particular proposals and circumstances at play.

Appropriate Assessment

11. The site is within 10km of the Exe Estuary Special Protection Area (SPA) and Ramsar Site and Dawlish Warren Special Area of Conservation (SAC) (collectively, the European Sites). The SPA and Ramsar are protected for their non-breeding populations of various species including Avocet, Grey Plover, Dunlin, Black-tailed Godwit, and Brent Goose, as well as wintering populations including Slavonian Grebe and Oystercatcher. The SAC is protected for its habitats including shifting dunes along the shoreline and various associated species.
12. Additional housing in this area could lead to additional damage to the European Sites from their recreational use. The Council has adopted an approach to mitigation whereby developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. The appellant has paid the appropriate contribution which the Council, having sought Natural England's views, advises is sufficient to ensure that adverse effects on the integrity of the European Sites can be ruled out. There is no evidence to lead me away from this position.
13. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I conclude that adverse effects on the integrity of the European Sites would not arise.

Conditions

14. A plans condition is required in the interests of certainty. I have also added a condition requiring the use of the materials stated on the application form to protect the character and appearance of the area. The evidence does not indicate the need for any other conditions in this case.

Conclusion

15. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR