



Appeal Decision

Site visit made on 20 January 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/U1105/W/21/3282287

Barn Close Kennels, Road From Limers Cross To Greenway Lane, Combe Raleigh EX14 4SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Sparks against the decision of East Devon District Council.
 - The application Ref 20/2734/OUT, dated 4 December 2020, was refused by notice dated 16 June 2021.
 - The development proposed is demolition of existing Kennel Buildings and replace with outline planning permission for the creation of 2No. detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters reserved. I assessed the appeal as such, having regard to the submitted plans and conceptual images on an illustrative basis.

Main Issues

3. The main issues are:
 - the suitability of the site for the proposal, having regard to the development plan's approach to the supply of housing, with reference to the accessibility of services; and,
 - the effect of the proposal on the character and appearance of the area, with reference to the Blackdown Hills Area of Outstanding Natural Beauty (the AONB).

Reasons

Suitability of the site

4. The site contains several disused buildings comprising a former commercial kennels, beyond any settlement within the open countryside. Directly to the north the appellant owns a dwelling with extant permission to be replaced¹.
5. Strategy 7 of the East Devon Local Plan 2013-2031 (adopted 2016) (Local Plan), amongst other things, restricts new development in the countryside to that which accords with a specific Local or Neighbourhood Plan policy that explicitly permits such development. There is no evidence that the scheme would meet any such policy requirement.

¹ Ref 19/1546/FUL

6. Policy TC2 of the Local Plan requires development to be located so as to be accessible by pedestrians, cyclists and public transport and well related to compatible land uses so as to minimise car travel.
7. The nearest settlement with a range of services is Honiton, circa 3 miles to the south. Bus stops are also at a considerable distance, with the nearest about 1.7km to the north near Wolford Chapel. The roads connecting the site to bus stops lack walkways, are generally used by fast moving vehicles and are unsafe for pedestrians. The distance and topography between the site and Honiton mean that cycling would not be an appealing option day-to-day. As such, most if not all trips to and from the site would be by private motor vehicle.
8. Whilst it is intended to provide electric vehicle charging points at the site, I cannot be assured that they would be utilised by future occupants. The same can be said in relation to any home office provided. I recognise that the site is previously developed land (PDL) and that the kennels, in their pomp, would have attracted a number of vehicular trips to and from the site. However, the business has ceased to operate, and I note that the appellant considers the site to be unlikely to be suitable for an alternative commercial use going forward. As such, these matters have had limited influence upon my assessment.
9. Accordingly, I conclude on this issue that the site would not be suitable for the proposal, having regard to the development plan's approach to the supply of housing, with reference to the accessibility of services. The proposal would conflict with the relevant aims of Policies Strategy 7 and TC2 of the Local Plan and the National Planning Policy Framework (the Framework).

Character and appearance

10. The site occupies gently sloping, elevated land within the AONB. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. This part of the AONB is open and rural in character. Whilst dwellings are not alien within the landscape, I observed that they tend to be sporadic and solitary, and in many cases are associated with subservient farm buildings.
11. The site is visible from the highway which bounds it to the west beyond a belt of trees, and from lower land along a Public Right of Way (the PROW) which passes by a neighbouring property to the northeast. The existing buildings at the site are sprawling and dilapidated, but also low profile and utilitarian and appear as fairly typical, muted work buildings. Overall, they have a slight adverse impact within the AONB.
12. The conceptual images indicate that the dwellings would be taller, with matching designs incorporating glazed gables. Together with the trappings of domestic use within their grounds, the images suggest that dwellings would have an urbanising effect in conflict with this sparsely populated, rural part of the AONB. This would be particularly appreciable from the PROW. It is not clear how landscaping could successfully ameliorate the visual effect of buildings of the scale illustrated. The plans also suggest that there would be a cumulative effect if the replacement dwelling on the adjacent land is developed.
13. Without suitable arboricultural evidence, I am unable to conclude with certainty as to whether the dwellings would encroach upon the root protection areas of

the tree belt. The height and closeness of the trees to the dwellings, in addition to their position due west, does also suggest that they may be threatened by pruning or loss in the future. The red line of the site is drawn quite tightly around the dwellings, which dictates their likely position and proximity to the trees. Whilst I appreciate that the appellant intends to carry out new hedgerow planting within the site, the potential loss of trees casts doubt in my mind that the scheme would achieve the intended biodiversity net gain.

14. Consequently, I conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area, with reference to the AONB. It would conflict with the landscape and design aims of Policies Strategy 46, D1, D2 and D3 of the Local Plan and the Framework.

Other Matters

15. I understand that in 2002 manager's accommodation was permitted on site². The appellant considers that the scheme lawfully commenced with the digging of foundations. However, very limited information is before me beyond that. It is not for me to reach a formal view on the commencement of the scheme within the context of an appeal under s78 of the Act in any event, which is the preserve of the lawful development certificate regime pursuant to s171. For these reasons, this matter has not been determinative in my decision.

Planning Balance

16. The unsuitability of the site for housing and the harm to the character and appearance of the area draw the scheme into conflict with the development plan when read as a whole.
17. The appellant has suggested that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. However, even if I were to accept the shortfall as suggested by the appellant, Paragraph 11 d i) of the Framework states that, in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the proposal. Given the harm to the AONB in this case, Paragraph 11 d ii) of the Framework does not apply.
18. The scheme would reuse PDL to provide two, energy efficient, modern homes to the local housing supply. These benefits would be of moderate weight and do not serve to outweigh the harm identified. On the evidence before me, the balance tips towards the conflict with the development plan in this case.

Conclusion

19. For the reasons outlined above, and taking all matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

² Ref 02/P0677