



Appeal Decision

Site visit made on 2 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/U1105/W/21/3283597

Lower Marsh Farm, Road From Marshgreen Cross To Higher Marsh Cross, Marsh Green EX5 2EX

- 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 and Mrs Jefferson against the decision of East Devon District Council.
 - The application Ref 21/0110/FUL, dated 14 February 2020, was refused by notice dated 1 April 2021.
 - The development proposed is described as '*Conversion of existing outbuildings to form one holiday cottages (amended Application from Approved Consent 16/2634/FUL). Previous consent was for two smaller holiday cottages with new outbuilding. The proposed outbuilding has been omitted from this application.*'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development given within the planning application form, it is clear that the proposal intends to achieve the conversion of the existing outbuildings to form a dwelling and that planning permission was refused on that basis. I determined the appeal accordingly.

Main Issue

3. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the supply of housing.

Reasons

4. The site comprises a range of disused barns (the Subject Barns) set around three sides of a yard. They are listed at Grade II due to their association with Lower Marsh Farmhouse, which is close by to the east. The site is at the far northeast edge of the settlement of Marsh Green. As Marsh Green does not have a 'built-up area boundary', the appeal site falls within countryside under the terms of the East Devon Local Plan 2013 to 2031 (adopted 2016) (EDLP).
5. Policy D8 of the EDLP supports the re-use of rural buildings under certain circumstances. With specific regard to residential schemes, it requires it to be established that: a) the building is no longer required for agricultural use or diversification purposes; b) that its conversion will enhance its setting and c) that the development is located close to a range of accessible services and facilities to meet the everyday needs of residents.

6. There is no dispute between the main parties that a) would be met, and I have no reason to disagree. With regard to b), with a landscaping condition securing the preservation and long-term retention of the agricultural aesthetic of the yard and surrounding spaces, the setting of the Subject Barns may be enhanced, when compared to the alternative, long term degradation of the site.
7. However, Marsh Green is remote and lacking in essential services, and there are no accessible facilities close by beyond its limits. Whilst there are bus stops within the settlement, I have no substantive evidence as to the length of any journey to reach the nearest settlements containing an adequate range of day-to-day facilities. Although I recognise that home working has become more prevalent, it is not certain that this trend will remain, and there is no guarantee that future residents of the proposal would work from home in any event. Consequently, on the evidence before me, I consider that occupants would likely be largely dependent on travel by way of the private motor vehicle.
8. Accordingly, I conclude that the site would not be suitable for the proposal, having regard to the development plan's approach to the supply of housing. The scheme would conflict with Policies Strategy 5B, Strategy 7. D8 and TC2 of the EDLP, Policy Rock 07 of the Rockbeare Parish Neighbourhood Plan 2013-2031 (made 2018) (RPNP) and the National Planning Policy Framework.

Other Considerations

9. The Subject Barns benefit from extant permission for their conversion into a single holiday let (the Alternative Scheme) under application Ref 20/0346/FUL (and Ref 20/1410/LBC). I have no reason to doubt that the Alternative Scheme would be implemented if I were to dismiss this appeal.
10. The implications of the use of the Subject Barns as either a holiday let or a dwelling would be different, albeit both would be equally inaccessible to services. I acknowledge the appellant's evidence that a holiday let use would generate a larger carbon footprint¹ equating to around an extra 24 tonnes of CO₂ a year. However, as set out in the EDLP, the tourism industry is also of significant economic importance to East Devon, and there is little substantive evidence before me to suggest that this is likely to change. Given the logic that tourists spend more locally per week than permanent residents, it follows that the holiday let would offer decisively greater economic benefits to the local area.
11. The appeal scheme would provide a social benefit through the provision of a single open market dwelling. However, there is no evidence before me to indicate that there is a need for a seven-bedroom family home in this rural location. In fact, the RPNP states that the ongoing development of the new town at Cranbrook has arguably satisfied, and will continue to satisfy, most of the local housing need in the neighbourhood plan area.
12. As such, I do not find the Alternative Scheme to be any more or less preferable when these factors are considered as a whole. However, I do accept the Council's point that tourism is likely to represent the more sensitive use for the Subject Barns in heritage terms, as there is less likelihood that the site would become beset with domestic storage and paraphernalia. With all of these factors taken into account, I do not consider the Alternative Scheme to be a consideration which weighs in favour of the appeal proposal.

¹ Clearlead Carbon Review (2021)

Other Matters

13. I have a duty to consider the effect of the scheme on the special architectural or historic interest of the Subject Barns and the special architectural or historic interest of Lower Marsh Farmhouse that derives from its setting. The scheme would offer a light touch with openings reused and little work to building fabric. As such, the significance of the Subject Barns would be preserved. With a landscape condition, the agricultural appearance of the land around the Subject Barns, including their central yard, would be preserved. Given that the appeal site contributes positively to the setting of Lower Marsh Farmhouse through its agricultural form and design, it follows that the significance Lower Marsh Farmhouse draws from its setting would also be preserved.
14. The site is within influence of the Exe Estuary Special Protection Area and the Pebblebed Heaths Special Area of Conservation (the European Sites). Likely significant effects on the integrity of the European Sites due to increased recreation cannot be ruled out in the first instance. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter within an Appropriate Assessment. However, as I am not, I have not done so. I would similarly have had to consider the effects of the scheme on the integrity of the lesser horseshoe, brown long eared and common pipistrelle bat, all protected species, given the presence of a day roost within the Subject Barns.

Planning Balance

15. The unsuitability of the site for the proposal, having regard to the development plan's approach to the supply of housing, brings the scheme into conflict with the development plan read as a whole. The Alternative Scheme, and the other matters put forward in favour of the proposal, do not amount to considerations that outweigh the conflict with the development plan in this case.

Conclusion

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

Matthew Jones

INSPECTOR