
Appeal Decision

Site visit made on 25 January 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2022

Appeal Ref: APP/U1105/W/21/3281230

Edenvale Turf, Courtlands, Dulford, Devon EX15 2EQ

- 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 Mrs A Golding against the decision of East Devon District Council.
 - The application Ref 20/1801/FUL, dated 21 August 2020, was refused by notice dated 19 March 2021.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for a new dwelling, to which the appellant states that it is a replacement. This is because there is a consent of a conversion of an agricultural building to a dwelling (ref: 19/0967/PDQ) extant at this farm complex, which the appellant would not implement if the now proposed new dwelling was allowed. A unilateral undertaking has been submitted to this effect.
3. The appellant has made it clear that the proposal should not be considered as a proposed rural worker dwelling and instead as a replacement dwelling.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. As stated above, there is consent from 2019 for 'Prior approval for proposed change of use of 3no. agricultural buildings each to form 1 no. dwelling (use class C3) and associated operational development.' Although not implemented the consent is still extant and therefore could be implemented.
6. The proposed dwelling would occupy a location near the junction of the highway with the long private driveway. The dwelling would be located on what is currently the corner of an open field, which is part of an attractive predominantly agricultural and open landscape. Whilst it would be partially obscured from public view by the hedgerows, the two storey dwelling would still be visible as a new build development in what is a particularly rural landscape.

7. The proposed modest sized dwelling would see the introduction of a new house within the countryside and would urbanise a section of this field. This residential development in a generally open countryside location, visible from public vantage points, would not conserve the rural landscape. Adding a dwelling in the location proposed would only erode the general openness of this landscape with its introduction of a new building and changing the rural and agricultural character of this part of the field.
8. There are some other dwellings such as those between the small villages of Dulford and Kerswell, but these are generally scattered dwellings within a countryside landscape with no clear development pattern, with these other dwellings possibly also pre-dating current planning policy relating to restricting countryside development. These other dwellings which the appellant has drawn my attention to does not mitigate the adverse visual impact of the proposed dwelling.
9. However, policy H6 does allow for a 'Replacement of Existing Dwellings in the Countryside'. Although the dwelling approved under application ref: 19/0967/PDQ has not been implemented and therefore there is no 'existing' dwelling, I do recognise that this is a valid fallback position in that it could be implemented until later this year.
10. Policy H6 of the East Devon Local Plan 2013-2031 does, though, include a criteria which includes a requirement that "The replacement dwelling is located on, or adjacent to, the footprint of the existing dwelling, or elsewhere within the curtilage of the building where a clear planning or environmental benefit will be achieved." In this case the proposed dwelling would be located a significant distance from the location of the barn which has permission to be converted to a dwelling.
11. The question, therefore, is whether there is a clear planning or environmental benefit for the position of the proposed house. The matter of security has been raised, but I am not satisfied that a solution cannot be found that does not necessitate a dwelling near the junction with the highway. There is, however, the positive design of the new dwelling, which can meet with higher sustainability levels, for example. The barn approved for conversion could be kept for business use, which could have advantages. The proposed house may result in some improved living conditions than compared to the barn conversion location.
12. Whilst there are some advantages to a new build dwelling, in my view, there are significant disbenefits from siting the proposed dwelling in this location compared to the location of the building approved to be converted. The barn to be converted is set within or near a cluster of other buildings which reduces its visual impact within the landscape. Furthermore, the approval is for a conversion of an existing building which would likely remain even if not converted, whereas the proposal would be for an additional new building within the rural landscape. As such, the proposal does not meet with this criterion of policy H6 as it is not located on, or adjacent to, the footprint of the existing building to be converted. Nor is it, on balance, in an alternative location where there is clear planning or environmental benefits. Indeed, the proposed siting of the dwelling would have the disbenefit of detracting from the appearance and character of this rural area. The conversion as approved would have a less visually intrusive impact upon the landscape.

13. The proposal is therefore harmful to the character and appearance of the landscape and is also contrary to policy H6 which relates to replacement dwellings in the countryside. The proposal, due to its landscape impacts, is also contrary to East Devon Local Plan 2013-2031 policies Strategy 7, Strategy 46 and D1. However, as the proposal is not for a rural enterprise dwelling policy H4 is not directly relevant.

Planning Balance

14. The proposal would provide a dwelling for the daughter of the owner of this rural enterprise, who may take over running of the business. However, there is already consent for dwellings at this site which could potentially address this matter. Also, there would be no net increase in dwellings for local housing supply over that already approved. There are some other benefits, such as those set out above, but the overall cumulative benefits do not outweigh the harm to the landscape which would result from a new dwelling in this location as proposed. The harm would significantly and demonstrably outweigh the benefits of the proposed development.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR