



Appeal Decision

Site visit made on 22 March 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 29 April 2022

Appeal Ref: APP/U1105/W/21/3288093

Hembury Hill, Lane To Hembury Hill, Broadhembury EX14 3LA

- 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 Oliver Cleaver against the decision of East Devon District Council.
 - The application Ref 21/0811/FUL, dated 10 March 2021, was refused by notice dated 16 June 2021.
 - The development proposed is demolition of an existing barn and construction of a 4 bedroom dwelling in its place.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the banner heading above, I have taken the description of development from the Council's decision notice and the appellant's appeal form as this more accurately describes the appeal proposal.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities, and whether it would conserve or enhance the natural beauty of the landscape within the Blackdown Hills Area of Outstanding Natural Beauty.

Reasons

4. The appeal site currently consists of an agricultural barn situated on a country lane which leads to Broadhembury, the closest village. The existing barn is a large dual pitched building, with a smaller mono pitched structure attached to the side, situated on an envelope of hardstanding. Both buildings are of metal/timber frame with corrugated roofing. Neighbouring residential dwellings are situated to the south and there are further sporadic dwellings to the west. The site is slightly elevated above the road, with existing mature trees and hedgerows along the boundary with the highway. The land continues to rise to the east behind the site towards a copse of trees. Open fields lie to the north.
5. From the evidence submitted, it appears that the agricultural operations which the barn in question was associated with ceased operations in around 1995. At the time the planning application was submitted, based on the evidence before me, the appellant was allowing neighbours to store hay in the barn on a temporary basis. However, at the time of my site visit, the barn was empty.

6. The proposal would represent a new dwelling in the countryside. The site is situated outside of any recognised settlement limits, including the villages of Broadhembury and Payhembury, the parish of which the site is situated within. Irrespective of whether the barn is still in use or not for agricultural purposes, the proposals would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies.
7. I acknowledge the location of the site in relation to the village of Broadhembury. However, there is no footpath between the site and Broadhembury and there is no street lighting. I also acknowledge the appellant's suggestion that future occupiers could cycle to Broadhembury. However, as I observed on site, the gradient and nature of the road between the appeal site and Broadhembury is quite steep in places, with a number of bends, which would discourage future occupiers from cycling to the village. The appellant has made reference to the nearby bus stop, however based on the bus timetables provided as part of the Council's evidence, the bus service is infrequent and would not represent a convenient alternative to the car. Future occupants of the development would therefore be largely reliant on the private motor car to access services and facilities. This lack of accessibility to enable future occupants to carry out day to day activities demonstrates that the site would be an unsuitable location for new housing.
8. I would concur with the Council that the design influences of the proposal would be 'confusing'. Whilst the proposed materials, including aluminium roof, timber cladding and timber shutters, might be appropriate to an agricultural building, they would not be appropriate for a new dwelling in the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The plan form and layout of the proposal also has similarities to a more traditional farm courtyard arrangement. The proposal would be a new build dwelling but has been designed to incorporate features and materials more typical of an agricultural building. The result would be an uncomfortable juxtaposition between the two, which would harm the character and appearance of the area. Consequently, it would fail to conserve or enhance the natural beauty of the landscape within the Blackdown Hills AONB.
9. Whilst it is acknowledged that the existing barn may be falling into disrepair and has been altered since 2010, its replacement with a dwelling that would fail to conserve or enhance the natural beauty of the landscape within the AONB would be unacceptable.
10. In consideration of the High Court judgement¹ regarding paragraph 80 (formally paragraph 79) of the National Planning Policy Framework (the Framework), as the proposed development would be adjacent to the other dwellings in the vicinity, the physical location of the proposals would not result in a new isolated home in the countryside that the Framework seeks to avoid. Nevertheless, there would still be negative environmental and social effects arising from the unsuitable location in terms of the lack of accessibility to local services and facilities and the harm to the natural beauty of the landscape within the Blackdown Hills AONB.

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

11. In conclusion, the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities and the conservation and enhancement of the natural beauty of the landscape within the Blackdown Hills AONB. There are no exceptions worthy of setting aside the spatial strategy in these circumstances. The proposals would be contrary to Strategy 7 of the East Devon Local Plan 2013 to 2031 (Local Plan) (adopted 2016) and Policy PNP1 of the Payhembury Neighbourhood Development Plan (2017-2031) which both strictly control development within the open countryside. It would also conflict with Strategy 5B and Policy TC2 of the Local Plan, which together seek to ensure that that development will be accessible by pedestrians, cyclists and public transport so as to minimise the need to travel by car. It would also be contrary to Policy D1 of the Local Plan which requires proposals to respect the key characteristics and special qualities of the area.
12. The proposal would also conflict with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area, as well as guidance within Chapter 15 of the Framework in regards to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regards to conserving and enhancing landscape and scenic beauty within the AONB.
13. Whilst it hasn't been referred to in the reason for refusal, the appellant refers to the Blackdown Hills AONB Design Guide for Houses in their evidence, in particular its identification of steeply pitched roofs being common in the AONB. I note that the design guide does not have any formal status as part of the development plan and it is considered that any alleged compliance with this document would not be sufficient to outweigh the conflict with the development plan identified above.

Other Matters

14. The lack of objection from the Parish Council and the letters of support from neighbours are noted. The introduction of the ecological recommendations from the ecology survey are also welcomed. However, I can only afford these matters limited weight and they do not overcome the harm that would be caused by the proposal that I have identified above.

Conclusion

15. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR