



Appeal Decision

Site visit made on 10 May 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2022

Appeal Ref: APP/U1105/W/21/3282836

Poppins Field, Goldsmiths Lane, All Saints EX13 7LU

- 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 Alban Connell against the decision of East Devon District Council.
 - The application Ref 20/2677/FUL, dated 30 November 2020, was refused by notice dated 16 July 2021.
 - The development proposed is an artist studio and relocation of small shed.
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Decision

1. The appeal is allowed and planning permission is granted for an artist studio at Poppins Field, All Saints EX13 7LU in accordance with the terms of the application, Ref 20/2677/FUL, dated 30 November 2020, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to the artist studio only: 1:1250 scale Site Location Plan; Combined Plans – Floor & Elevation dated 27/11/20.

Preliminary Matters

2. The application was submitted after the development described in the banner heading had taken place, so the Council's decision was made retrospectively. At the time of my visit, however, the small shed was no longer on the appeal site. I sought further information regarding this matter, and was advised by the appellant that it had been removed, as it was severely damaged by a recent storm. In these circumstances, both parties have agreed that the appeal should proceed on the basis that it now only seeks permission for the artist studio. The second reason for refusal on the decision notice therefore falls away. As the artist studio was already in position at the time of my visit, I am considering the appeal retrospectively.

Main Issues

3. The main issues are:
 - a) Whether the site is suitable for the building, bearing in mind the policies of the development plan; and,
 - b) The effect of the development on the character and appearance of the landscape.

Reasons

Development plan policy

4. The appeal site is a smallholding and orchard that lies close to the crossroads formed by Goldsmiths Lane and Knights Lane, both of which are lined by loose ribbons of residential buildings. A little further to the southwest is the more compact village of All Saints, with its primary school, church, and village hall. Despite its proximity to these pockets of development, the appeal site does not lie within a Built-up Area Boundary, nor does it form part of a site-specific allocation. Consequently, it lies in the countryside for the purposes of Strategy 7 of the East Devon Local Plan 2013-2031 (the Local Plan), which was adopted in 2016. Strategy 7 states that development in the countryside will only be permitted where it is in accordance with a specific Local Plan policy that explicitly permits such development, and where it would not harm the distinctive landscape, amenity, and environmental qualities of the area within which it is located.
5. Policy E5 of the Local Plan specifically permits small scale economic development in rural areas, subject to certain criteria being fulfilled. The artist studio would provide a place of work for the appellant, who derives an income from his occupation. Whilst the level of employment and financial turnover may be modest, there is nothing in the Policy wording that indicates a certain level of productivity is necessary before it is supported. Nor is there any requirement that a business plan should be produced in evidence. In any event, it would be difficult to produce one for a solo artist whose output and income is likely to be dependent on sporadic periods of inspired creativity, irregular exhibitions, and one-off sales. The evidence indicates that the appellant's use of the building contributes to the local cultural economy, so I am satisfied that it falls within the definition of small-scale economic development for the purposes of Policy E5.
6. Paragraph 24.6 of the Local Plan identifies that the purpose of Policy E5 is to promote employment diversification and reduce out-commuting, by providing premises close to where people live. The Policy therefore supports the provision of jobs for local people, but without defining what would constitute a local person. In this case, the appellant lives in Axminster, approximately 2.6 miles away by road. The appellant would not need to travel out of the district, or out of the rural area, to reach his place of work, so the proposal would fulfil the purpose of the Policy to avoid out-commuting. Furthermore, the studio could be accessed via a regular bus service from Axminster, which stops within easy walking distance of the appeal site. The proposal would, therefore, provide a small-scale workplace, which would be reasonably close to the appellant's home, and accessible by a sustainable means of transport.
7. As the proposal does not involve the conversion of an existing building, and is not on previously developed land, criterion 3 of Policy E5 requires that the development should be well related in scale and form, and in sustainability terms, to the village and surrounding areas. The studio is closely associated with the cluster of houses around the crossroads, so is not an isolated building in otherwise open countryside. It is smaller in scale than most of the surrounding dwellings, and of a similar form to the existing horticultural building on the site. Furthermore, it is within easy walking distance of the church, school, and village hall in the main part of the village. These factors

lead me to conclude that the proposal accords with criterion 3. I have also had regard to the advice at Paragraph 85 of the National Planning Policy Framework (the Framework), which recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

8. Compliance with Policy E5 is also dependent on a range of other criteria being satisfied. The scale and nature of the use dictates that it will result in a very small number of additional traffic movements on the local highway network. I saw that the road leading to the site is straight, with good visibility, and carries little traffic. The site access already exists, and is used by traffic accessing the existing smallholding and adjacent residential properties. There is no evidence that any minor increase in its use would result in danger or inconvenience to other highway users.
9. Although representations refer to noise of an industrial character arising from the site, it is unlikely that these are generated by the use of the artist studio, which primarily involves inherently quiet activities, such as drawing, painting, and screen-printing. The proposal is, therefore, unlikely to have any detrimental impact on the amenities of neighbouring properties. The studio incorporates sustainable construction methods, using recycled materials, and being constructed on stilts to avoid the need for a concrete slab or foundations. There is no evidence that it is harmful to wildlife or historic interests.
10. Consequently, subject to its impact on the landscape, I conclude that the artist studio accords with Strategy 7 and Policy E5 of the Local Plan, which seek to limit development in the countryside, whilst allowing for suitable small-scale economic development in rural areas. The proposal also aligns with the Framework's aim of supporting a prosperous rural economy, and the advice at paragraph 84, which says planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Landscape character and appearance

11. The appeal site is a well-maintained orchard/smallholding, with fruit trees in a wildflower meadow on the southwestern section, and a more intensive horticultural use, with buildings, polytunnels, fruit cages, etc on the north-eastern portion. The horticultural nature of the site gives it the character of a large managed garden. It is divided from the adjacent open fields by high boundary hedgerows and trees, so is visually separated from the surrounding countryside. However, the boundary with Poppins, to the west, is marked by a low timber fence, which allows views out of the site to the bungalow and its garden. The dwelling at South Haven is also very evident from within the site. Consequently, the site has a closer visual relationship with the adjacent residential dwellings and their gardens than it does with the surrounding agricultural landscape.
12. A public right of way (PRoW) runs along the entire south-eastern boundary of the site. The first section, leading off Goldsmith Lane, is a relatively wide track, which also serves as an access drive to the residential properties to the east. As it turns to pass the north-eastern section of the site, it becomes a narrow path between high hedges, before opening up again as it crosses the field beyond.

13. The studio is located close to the north-eastern boundary of the site adjacent to the hedge, and under the canopy of an overhanging oak tree. It is a horizontal timber boarded building with a corrugated steel sheet roof, which is starting to weather. The building does have windows and a stainless-steel flue, but its rustic materials, its tenuous attachment to the ground, and its origins as a chicken shed, mean that it retains an agricultural character. As a result, its appearance is not out of keeping with the cluster of horticultural buildings and paraphernalia that are grouped at this end of the site.
14. Due to the hedgerow boundaries, and the planting within the site, the building is not readily visible from Goldsmith Lane. In fact, I saw that it is not easily seen from the orchard within the southwestern part of the site. It may be glimpsed from the rear gardens of Poppins and South Haven, but from here it would be seen through the planting on the site, beyond an existing cluster of horticultural structures, and against the backdrop of a mature hedgerow and tree. Consequently, from any westerly viewpoints, including the first part of the PRoW, the building has a negligible impact on the character of the landscape.
15. The building lies quite close to the narrow section of the PRoW that borders the north-eastern part of the site. However, this section is flanked by high hedges on both sides, which prevent easy views into the site. I saw that, for most of this section of the PRoW, it was only possible to see the building by stopping, and making a conscious effort to peer through the dense foliage. There is a small gap in the hedge, just before the PRoW enters the field, through which walkers may catch a fleeting glimpse of the building. However, from this viewpoint, only the timber-clad gable end of the building is visible, and it appears as an unremarkable addition to the group of horticultural structures on the site. As a result, it has an insignificant impact on the landscape, and does not reduce the convenience or attractiveness of the footpath.
16. From the field beyond, the studio is largely hidden by the boundary hedge, with just the steel flue protruding above the foliage, although that is also partly screened by the lower branches of the oak tree. When viewed from this direction, the flue is seen alongside the largely unscreened rear elevations of the dwellings to the north, which have a significant visual influence on the surrounding countryside. In this context, the flue does not have a noticeable impact on the agricultural character of the landscape. I am mindful that my visit took place at a time when the hedges were in full leaf. However, I saw that the hedges were dense, such that even in winter they are likely to provide an effective screen. In any event, if the studio were to be discernible during the winter months, it would be seen as part of an enclosed horticultural smallholding, in a group of other structures, so would have little impact on the surrounding open countryside.
17. For these reasons, I conclude that the artist studio does not result in harm to the character and appearance of the landscape. The proposal therefore accords with Strategy 7, Strategy 46, and Policies EN5 and TC4 of the Local Plan, which seek to ensure that development conserves the landscape character of the area and does not reduce the convenience or attractiveness of an existing footpath. I also find no conflict with the Framework's aim to conserve and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

Conditions

18. As the development has already been carried out, conditions limiting the period within which the development must commence, or requiring details of materials to be submitted for approval, are not necessary. I have imposed a condition specifying the relevant plans, as this provides certainty for all parties. The Council has not suggested any further conditions.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR