



Appeal Decision

Site visit made on 8 June 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/Y1138/W/21/3286300

Land at entrance to Haven Lea, Cheriton Bishop, Exeter EX6 6JD

- 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 Rose Tripp against the decision of Mid Devon District Council.
 - The application Ref 21/01458/FULL, dated 16 July 2021, was refused by notice dated 1 September 2021.
 - The development proposed is demolition of existing builders workshop and store, change of use of the yard to residential and construction of 1 in no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site's location accords with local and national policies which seek to locate housing in a manner that minimises the need to travel by private vehicle and maintain the character of the countryside.

Reasons

3. The appeal site is located in a rural area around 1.2 kilometres from the village of Cheriton Bishop. Beyond the edge of the village, there are only infrequent farms and scattered houses along the rural road which leads to the site. The site itself is accessed from a short stretch of public bridleway which leads from the rural road and has trees on most of its boundaries which conceal much of it from public view with the exclusion of the view in through the point of access.
4. A dilapidated building is tucked against the northern hedgerow, alongside a storage container and there are piles of aggregate and some evidence of materials being stored on the site. This is unsurprising given that part of the site has a lawful use for a builders workshop and store granted by way of a Certificate of Lawfulness in 2006¹.
5. The development plan for the area comprises the Mid Devon Local Plan (2020) (Local Plan). Policy S3 of the Local Plan sets out the minimum housing target for the area for the duration of the plan period. Under that, Policy S13 states that specifically named settlements will be suitable for limited development within their defined settlement limits and for either small scale housing, employment, tourism or leisure facilities. Policy S13 identifies Cheriton Bishop as one such suitable village to accept limited housing development. However,

¹ Certificate of lawfulness Ref 06/00327/CLU granted 4 May 2006

the site is outside of the defined settlement limit by around 1.2 kms meaning that it is in the countryside in planning policy terms.

6. Local Plan Policy S14 relates to the countryside beyond the defined settlement limits and permits a limited range of residential development such as affordable and low cost housing to meet local needs, gypsy and traveller accommodation, conversion of existing buildings, replacement dwellings and housing essential for rural workers. The proposal for a single open market dwelling following the demolition of a dilapidated workshop does not fit into any of the listed categories of development that are permissible within the countryside under Policy S14.
7. The appellant asserts that the village of Cheriton Bishop benefits from a greater range of services and amenities than is typical of a settlement of its size. However, these amenities, whilst only a short car journey away, are not well located for the site or future occupants, with an absence of footways or streetlighting to make journeys by car or bicycle a safe or desirable alternative, even if some residents of the rural surroundings do opt to walk or cycle from time to time.
8. I note that at least part of the site has an existing lawful use and some of the building remains on the site, however, this in itself is not justification for the site's redevelopment. Policy S14 does not permit redevelopment of brownfield sites in the countryside for residential purposes and the National Planning Policy Framework (the Framework), prioritises the use of brownfield land "*within*" settlements for homes and other identified needs (para 127), or at least "*physically well-related*" to existing settlements in terms of meeting the needs of rural communities (para 85).
9. Paragraph 80 of the Framework relates to isolated forms of development in the countryside and whilst it permits the re-use of redundant or disused buildings where there would be a setting enhancement, it does not specifically permit the re-use of previously developed sites in the countryside without a reusable building for residential purposes as is the case with this proposal. In any event, I agree that the site cannot be considered truly isolated as per the Braintree case² insofar as there are other scattered dwellings nearby, nonetheless, I do not consider it physically well-related to the existing settlement of Cheriton Bishop such that its redevelopment for residential purposes would result in a sustainable form of development. Nor is the site particularly unique in respect of its brownfield nature as, from my observations, there appeared to be many other sites which would also constitute previously developed land for which similar proposals could be forthcoming. This would not result in a sustainable pattern of development or preserve the character of the countryside.
10. I acknowledge that the district as a whole is relatively rural and that many residents are reliant on cars. However, even taking account of a potential reduction in commuting journeys following the COVID-19 pandemic, there appears no justification for setting aside the plan-led approach to the location of housing that aims to further minimise the reliance on the use of cars.
11. For the foregoing reasons, the location of the site does not accord with, in particular, Policy S13 or S14 of the Local Plan which seek to locate housing in a manner that minimises the need to travel by private vehicle and maintain the

² Braintree DC v SSCLG [2018] EWCA Civ.

character of the countryside. For similar reasons, it would also fail to accord with the policies of the Framework.

Other Matters

12. It does not appear that the effects of the proposal on the character and appearance of the area are in dispute between the parties and I see no reason to reach an alternative conclusion. Though the proposed single storey dwelling is also promoted as a dwelling suitable for elderly or disabled occupants, there would be no means of specifically controlling its future occupation, meaning that this adds nothing further in support of the scheme.
13. The removal of an unsightly building and improvement of the aesthetic condition of the site is offered as a benefit. Whilst I attribute this aspect minor weight in favour of the proposal, I am not certain that it is the only means of securing an improvement to the site's condition and to add further weight to this would only wrongly incentivise deliberate deterioration.
14. The biodiversity net gains have been promoted as a benefit. Whilst minor in scale, I nonetheless attribute them minor weight in favour of the scheme.
15. Whilst the appellant has cited another scheme³ which is suggested lends support for the appeal proposal, I note that it was determined prior to the adoption of the current Local Plan. The materially different policy contexts in each respective case prevents me from drawing parallels between them, and, consequently, adds no weight in favour of the scheme.

Planning Balance and Conclusion

16. In respect of the main issue in this appeal, the proposal conflicts with the development plan. Though there may be compliance with policies in relation to design and biodiversity, this does not alter my view that the proposal fails to accord with the Local Plan when taken as a whole⁴.
17. However, were it to proceed, the proposal would result in the addition of a single dwelling to the local housing stock, which, despite a sufficient five-year housing land supply, would be a public benefit of the scheme, increasing opportunities for home ownership and minimising the need to find greenfield sites elsewhere. There would also be economic benefits from both the construction phase and from the occupation of the dwelling by future occupiers, through their reliance on local facilities and services. These benefits, along with the minor aesthetic improvement to the site and biodiversity net gains, are still not collectively capable of outweighing the conflict with the development plan such that they indicate that a decision should be taken other than in accordance therewith.
18. For the foregoing reasons and taking into account all other matters raised, the appeal is dismissed.

Hollie Nicholls
INSPECTOR

³ Morchard Road, Ref 19/01461/OUT

⁴ City of Edinburgh v Secretary of State for Scotland [1997] 1 W.L.R. 1447