



Appeal Decision

Site visit made on 19 July 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 03 August 2022

Appeal Ref: APP/U1105/W/22/3292273

Land at Higher Road, Woodbury Salterton, EX5 1AL

- 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 Daffin against the decision of East Devon District Council.
 - The application Ref 21/1748/FUL, dated 23 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is the change of use from equestrian stable and store building to residential dwelling and annexe with minor alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on motor vehicles.

Reasons

3. The appeal site comprises land and equestrian stables and stores situated adjacent to a narrow single track highway and located outside of any settlement. The appeal scheme seeks the change of use of the equestrian buildings to a residential dwelling and annexe. There is no dispute between the main parties that the site is located outside of any Built-up Area Boundary (the BUAB) as described within the East Devon Local Plan 2013 – 2031 (the Local Plan) and falls within the countryside.
4. Strategy 7 of the Local Plan provides that parts of the plan area outside the BUAB and site-specific allocations shown on the Proposals Map, are considered to be in the countryside. This policy seeks to restrict development outside of the BUAB unless it accords with a specific Local or Neighbourhood Plan policy which explicitly permits it and where there would be no harm caused to the amenity and environmental qualities of the distinctive landscape in which it is located.
5. In relation to development proposals which are located outside of the BUAB, Policy D8 of the Local Plan permits the re-use of rural buildings outside of settlements subject to a number of overarching criteria, with further specific requirements relating to residential proposals.
6. In terms of the overarching elements of Policy D8 of the Local Plan, the application was supported by a structural report which confirms that the appeal

buildings are structurally sound and capable of conversion to use as residential without the need for substantial works, the design of the proposed scheme would be in keeping with local buildings styles and in terms of use of materials, and the proposal would not undermine the viability of an existing agricultural enterprise. Furthermore, no additional structures or parking is proposed at the site.

7. The form and appearance of the existing equestrian buildings are sympathetic to the rural countryside setting in which the appeal site is located. Whilst I find that the design and the materials of the appeal proposal would be acceptable, the scheme would result in the domestication of the site with all the paraphernalia that that would entail and, consequently, I find that the proposal would not necessarily enhance its rural setting.
8. Whilst noting the above, criterion 1. of Policy D8 of the Local Plan requires that the rural buildings that are proposed to be reused are in a location that will not substantively add to the need to travel by car. It is noted that the structures at the site are in equestrian use and, in the absence of evidence to the contrary, in my view it is likely that residential use of the buildings would result in an increase of traffic movements to and from the site, albeit not a significant increase by reason of the scale of the proposal.
9. Nonetheless, as noted above, Policy D8 of the Local Plan also includes further requirements specifically in respect of changes of use to residential. The evidence before me indicates that whilst the existing buildings at the site remain usable as stables and equestrian storage and are not redundant in that respect, the buildings are not required for agricultural or diversification purposes. Furthermore, and for the reasons given above, I do not find that the proposal would necessarily enhance its setting.
10. However, the Council's reason for refusal concentrates on the location of the site with regards to accessibility of services and facilities and reliance on private motor vehicles. In that regard, criterion c) of Policy D8 of the Local Plan, which specifically concerns residential development, provides that development must be located close to a range of accessible services and facilities to meet the everyday needs of residents.
11. Based on the evidence before me and on observations made on my site visit, the nearest settlement at Woodbury Salterton does contain a very limited number of services and facilities to include a public house, a primary school and a church. However, access to those very limited services and the limited wider transport links provided by a bus stop within the village, would require future occupants to travel along a long stretch of unlit highway which does not benefit from public footways before entering Woodbury Salterton. It cannot therefore be said that access on foot or by bicycle to the very limited facilities and services that Woodbury Salterton does contain would be accessible to all, and particularly in the winter and during adverse weather conditions.
12. I acknowledge that the term 'close to' included within the wording of Policy D8 of the Local Plan is not expressly defined in terms of distance, and I note the recent appeal at Newton Poppleford as referred to me by the Appellants. However, even in the event that the appeal site is located 'close to' Woodbury Salterton, the wording of the policy is clear that the proposal must be close to a range of services to meet the everyday needs of residents. Given the above conclusion with regards to the limited facilities and services on offer

within Woodbury Salterton, future occupants of the scheme would be likely to be heavily reliant on private motor vehicles to access a range of basic services that could reasonably be required on a day to day basis such as a shop or healthcare facilities, from within the wider surrounding area.

13. It is noted that there are other settlements within the wider surrounding area at Woodbury and at Clyst St George. However, given the relatively significant distance between the site and those settlements, it cannot be properly said that the site is 'close to' those settlements. I also acknowledge the Appellants' reference to use of the highway as a popular recreational walking route. However, given the distance involved and especially in adverse weather conditions, future residential occupants would be likely to rely on private car use for reasons of convenience.
14. Policy TC2 of the Local Plan confirms that new development should be located so as to be accessible by pedestrians, cyclists and public transport as well as being well related to compatible land uses, so as to minimise the need to travel by car.
15. In that regard, whilst noting that the number of trips to and from the site would be likely to increase from the proposed change of use to residential, albeit not to any significant degree, as a result of the likely increase it cannot be said that the scheme would 'minimise' the need to travel. Nonetheless, the wording of Policy T2 of the Local Plan is clear that development should be located so as to be accessible by pedestrians, cyclists and public transport and, for the reasons given above in relation to distance and lack of lighting or pedestrian footways, I have concluded that the appeal site is not in an accessible location with regards to those matters.
16. In summary of the above, whilst it could be reasonably said that the proposal would not substantively add to the need to travel by car, the site is not located close to a range of accessible services and facilities to meet the everyday needs of residents. Furthermore, and for the reasons given above, the proposal would not be suitably located so as to be accessible by pedestrians, cyclists and public transport.
17. Accordingly, the appeal proposal would conflict with Policy D8 of the Local Plan when taken as a whole, and would thereby fail to accord with the provisions of Strategy 7 of the Local Plan. The proposed development would also conflict with the aims and objectives of Policy TC2 of the Local Plan.
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
19. I note the main parties' reference to paragraph 80 of the National Planning Policy Framework (the Framework). In that regard, I do not necessarily find that the scheme would conflict with that provision of the Framework with respect to the re-use of a disused building.
20. The appeal scheme would provide benefits in terms of an additional dwelling towards local supply and could provide very limited benefits in terms of employment opportunities during the conversion phase. I also acknowledge that future residents could contribute to the viability of the limited services contained within Woodbury Salterton and at other settlements within the wider

surrounding area. However, by reason of the scale of the development, I find that the weight to be attached to those benefits associated with the appeal scheme, are limited.

21. Against those benefits, the appeal scheme would conflict with the above identified policies of the development plan. In that context, it would be at odds with the plan-led system to decide that a departure from the development plan was warranted by the scale and nature of the benefits the proposal would bring forward.

Other Matters

22. The appeal site is located close to the Exe Estuary and Pebblebed Heaths Special Protection Areas (the SPAs) and therefore it is within an area where new development has the potential to have a significant adverse effect on the integrity of the SPAs. However, while an important issue, I have not found it necessary to examine this matter in greater detail as, for the reasons outlined above, it does not alter my overall conclusion in relation to this appeal.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR