

Appeal Decision

Site visit made on 8 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2ND September 2022

Appeal Ref: APP/P1133/W/22/3299737

Knowle Nursery, Road past Newhouse, Broadhempston, Newton Abbott, Devon TQ9 6BA

- 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 Lloyd Fursdon against the decision of Teignbridge District Council.
 - The application, Ref. 21/02403/FUL, dated 19 October 2021, was refused by notice dated 27 April 2022.
 - The development proposed is a single storey extension to existing ancillary accommodation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether, having regard to its siting and location in the countryside, the proposal is sustainable development.

Reasons

3. I saw on my visit that the existing building is already being used for ancillary domestic accommodation, as acknowledged in the grounds of appeal. The appeal scheme seeks to extend the building, approved in 2008 as a storage building for the then nursery, and change the use to ancillary residential accommodation for family members. The submitted plans also show alterations to the existing building that together with the extension would give it the appearance of a small bungalow.
 4. The extension would provide a bedroom and en-suite bathroom with the existing building used as a living room. The grounds of appeal argue that the Council has wrongly assessed the application as a proposal for an independent self-contained dwelling rather than ancillary accommodation.
 5. However, it is clear to me that whilst the Council did fully understand the reason for the application, it was also concerned that the self-contained nature of the accommodation in a position quite separate from the existing dwelling would be tantamount to the creation of an independent dwelling in the countryside, contrary to its planning policies.
-

6. For the appellant it is argued that an ancillary use condition would adequately have ensured the prevention of that occurrence. However I consider that there are doubts as to the practical enforceability of that condition. The self-contained accommodation proposed would be a permanent addition in a countryside location. In the long term, with any new owners of the main dwelling there is the possibility of the existing business on the site ceasing. And with the wholly self-contained form of the accommodation and its clear separation from the existing dwelling, correctly as described in the application letter as being 'tucked away in the north western corner of the site', I consider that a permission would raise concerns as to the building's potential severance and independent use.
7. This is because under those circumstances the justification for the building as being ancillary to the main dwelling would be more difficult to sustain and a planning condition as suggested by the appellant can only be enforced if it remains relevant to the permission given and is both reasonable and necessary.
8. Even in the shorter term, I am of the view that a building so clearly separated from the main house does need to be more fully justified. The existing dwelling appears to be of substantial size and there is no evidence that it cannot be used for family members and guests. There is also a separate building on the site used for holiday accommodation and on occasions this could no doubt be used as short term overflow family accommodation without materially breaching the permission given.
9. Overall, I conclude that by virtue of the accommodation's size, self-contained nature, separation from the main dwelling on the site and potential for severance and use as a separate dwelling it would not be sustainable development in the countryside. Accordingly there would be harmful conflict with Policies S1, S1A & S22 of the Teignbridge Local Plan 2012-2022 and with sustainable development as defined in the National Planning Policy Framework 2021.
10. For these reasons the appeal is dismissed.

Martin Andrews

INSPECTOR