
Appeal Decision

Site visit made on 25 August 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal Ref: APP/U1105/W/22/3298314

The Cider Barn, Goldcombe Farmhouse, Gittisham, Honiton EX14 3AB

- 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 P & A Stansell against the decision of East Devon District Council.
 - The application Ref 21/2474/FUL, dated 16 September 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described as change of use of holiday let to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from holiday let to dwelling at The Cider Barn, Goldcombe Farmhouse, Gittisham, Honiton EX14 3AB in accordance with the terms of the application, Ref 21/2474/FUL, dated 16 September 2021, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Preliminary Matters

2. Notwithstanding the description of development in the banner heading and within my decision above, the existing building is already a 'dwelling', albeit one whose occupancy is restricted by condition. In this regard a 2021 appeal established that this condition could not be removed without conflict with the original description of development. The proposal subject of this appeal therefore seeks to establish unrestricted residential use of the existing dwelling.

Main Issue

3. The main issue is whether unrestricted residential use of the dwelling would be appropriate within the location in question, having particular regard to whether future occupants would be able to access services and facilities by means other than use of private modes of transport.

Reasons

4. Strategy 7 of the East Devon Local Plan 2013-2031 (the LP) restricts all development in the countryside, with some exceptions set out within Policy D8 of the LP. Whilst primarily focussed on conserving landscape character, the concerns set out within Strategy 7 also more broadly include 'environmental

qualities'. In this regard Strategy 5B of the LP seeks to secure development of a form and at locations which allow access to transport with low environmental impacts, whilst Policy TC2 of the LP similarly seeks to minimise the need to travel by car. Each is further reflected in the text of Policy D8.

5. The site is a 2-bed dwelling created some years ago through conversion of a former agricultural building. This occupies a location adjacent to a farmhouse within the open countryside. As the dwelling already exists, the broad acceptability of both its location and any travel-related environmental impacts arising from its occupation have already been established. To this end the requirements of Policy D8, which relate to conversion and reuse of rural buildings, are not directly relevant given that these events occurred in the past. Similar is true of Policy TC2 which relates to 'new development'. Though Strategy 5B is more loosely worded, it too most logically relates to residential development where the location remains to be fixed. The Council's concern is nonetheless that the travel-related environmental impacts of unrestricted residential use of the dwelling would be more harmful than those of its use by holiday makers.
6. The site is located on a lane connecting the town of Honiton with the village of Gittisham. Honiton contains a wide range of facilities and services. Though the relatively short distance into the town could be cycled, challenging topography and narrow unlit lanes limit the practicality of this. Gittisham can otherwise be reached quickly on foot, and more rapidly by cycle. Though the village contains few facilities aside from a restaurant, village hall and church, there is a bus stop with services into Honiton and Ottery St Mary, with stops including railways stations. This provides a reasonably good level of connectivity for a rural location. The lane into Gittisham is narrow with bends in some places, and there is no footway or lighting. This again reduces the practicality of access, but not sufficiently to preclude it. Some scope would therefore exist for future occupants to access services and facilities other than by use private modes of transport, as is similarly the case in relation to holiday makers at present.
7. Private modes of transport might still be favoured given greater practicality. Even if occupants of whatever type choose or chose to drive to Honiton, given that the journey takes no more than around 5 minutes, its environmental impacts both are and would be very limited.
8. Within the above context patterns of travel could undoubtedly differ between permanent and temporary occupants of the dwelling, as too in all cases between individuals depending on their specific circumstances. Variables might include differing potential needs to access places of work, education and healthcare, use of supermarkets and/or restaurants, and travel related to visiting attractions/leisure activities. Though I accept that some holiday makers might choose to spend most of their time at the site, others might equally use it as a base for wider exploration of the area. The extent of any difference in travel-related environmental impact between different occupants of whatever type could indeed be subject of many variables. These have not been quantified, and nor could this be undertaken easily. In the absence of such evidence, and given my findings above, I cannot conclude that any significant overall difference would arise between permanent and temporary occupants of the dwelling. Nor can I therefore conclude that the environmental qualities of the area would be unacceptably harmed as a result of travel related to unrestricted residential use of the site.

9. It remains the case that the proposal would conflict with the terms of Strategy 7 simply given the absence of any other LP policy which explicitly addresses, or thus explicitly permits development of the type proposed within the location in question. That being so, and having failed to identify any way in which the scheme would otherwise conflict with Strategy 7, I am satisfied that a grant of planning permission contrary to its terms would not result in any unacceptable harm.
10. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), I find that whilst the proposal would conflict with Strategy 7 of the LP, no unacceptable environmental harm would arise in relation to travel to access service and facilities. This allows me to conclude that unrestricted residential use of the dwelling would be appropriate within the location in question and thus that planning permission should be granted despite the identified conflict with the development plan.

Other Matters

11. The application was not refused on the basis of the proposal's economic effects, nor on grounds that it would lead to loss of tourist accommodation. In this regard the LP's policy relating to changes of use of tourist accommodation no longer applies to the area in question. Though the Council has nonetheless raised an objection based on a lack of marketing, no requirement for marketing has been identified. It is otherwise apparent that whilst economic benefits arise through spending by holiday makers, permanent occupants would also make a contribution to the local economy through their ongoing use of local facilities and services. For this reason, and in the absence of any clear evidence that economic harm would arise, my overall view of the acceptability of the proposal is unaltered.
12. The site is located within the East Devon Area of Outstanding Natural Beauty (AONB), within which there is a duty to have regard to the purpose of conserving and enhancing natural beauty. Paragraph 176 of the Framework further states that great weight should be given to conserving and enhancing landscape, scenic beauty and cultural heritage within AONBs. In this case the proposal would not result in any visual change. Thus, the landscape, natural and scenic beauty, and cultural heritage of the AONB would be unaffected.

Conditions

13. I have imposed a condition setting out the time period for commencement of development. As a simple change of use, no further conditions are required.

Conclusion

14. For the reasons set out above I find that material considerations indicate that permission should be granted other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR