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# Appeal Decision

Site visit made on 27 September 2022

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> September 2022**

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**Appeal Ref: APP/U1105/W/22/3290996**

**Land Adjacent Heather Bell, Lane to Newberrys, South Common, Axminster EX13 7NA**

- 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 Linda Quinn against the decision of East Devon District Council.
  - The application Ref 20/2298/FUL, dated 29 October 2020, was refused by notice dated 16 November 2021.
  - The development proposed is conversion of existing building to form 1 no. unit of holiday accommodation.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the building is suitable for conversion to a dwelling, having regard to the settlement policies of the development plan, the condition of the building, and the accessibility of the site.

## Reasons

3. The appeal relates to a concrete block-built outbuilding that occupies a separate plot of land between Newbery and Heather Bell. These dwellings and the appeal site are accessed via a private drive off South Commons Lane to the north. The proposal involves the demolition of two ramshackle timber structures that are attached to the rear of the appeal building, and conversion of the core structure to a one-bedroomed unit of holiday accommodation.
4. As the building lies within a small group of dwellings, it is not isolated from other development. It is not, however, adjacent to a recognised settlement, and is well outside the Built-up Area Boundaries and site-specific allocations shown on the Proposals Map of the East Devon Local Plan 2013-2031 (Adopted 2016) (the Local Plan). It is, therefore, within the defined countryside for the purposes of the Local Plan, where Strategy 7 only permits proposals that accord with a specific policy that explicitly permits such development.
5. Policy E16 of the Local Plan addresses proposals for holiday accommodation. To ensure that new tourist accommodation is directed toward the most sustainable locations, the Policy permits new holiday accommodation within Built-Up Area Boundaries. The only exception to this is the use of existing buildings in the open countryside, particularly those related to small-scale farm and rural diversification. The Policy therefore also permits small-scale holiday accommodation through the conversion of existing buildings in the open

countryside, within close proximity to the main farmhouse or country house. The appeal building does not lie within a Built-Up Area Boundary, and the proposal is not part of a farm diversification scheme close to a farmhouse. Consequently, the proposal does not gain specific support from Policy E16 of the Local Plan.

6. Nevertheless, Policy D8 of the Local Plan specifically permits the re-use or conversion of buildings in the countryside, subject to a number of criteria. This Policy does not exclude proposals for holiday accommodation, so, provided the criteria are satisfied, it would explicitly permit the proposal. Two of the criteria are in dispute at this appeal. Firstly, whether the building is structurally sound and capable of conversion without the need for substantial extension, alteration, or reconstruction; and, secondly, whether it is located where it will not substantively add to the need to travel by car.
7. Turning to the first of these criteria, the application was accompanied by a Structural Appraisal (the SA), prepared by a suitably qualified expert. The SA concludes that, although areas of the roof structure would require replacement, the building is suitable for conversion without significant rebuilding of the primary structure. The Council's Building Control Officer commented that there is some doubt about the nature of the foundations, which may give rise to the need for underpinning and removal of the floor slab. However, being of concrete blockwork construction, the Officer ultimately concluded that it is likely that the existing walls could be retained in a conversion.
8. I saw that the building is of solid single-skin block construction, with a roof supported by steel beams and timber purlins. Although some vegetation has penetrated the building through the windows, and between the wall plate and roof, the building appeared to be in sound structural condition. Furthermore, it has a solid concrete floor throughout. In the absence of any expert advice to the contrary, I have no reason to doubt the conclusion in the SA, that the building is capable of conversion without the need for substantial extension, alteration, or reconstruction. Whilst it may prove more practical and economical to rebuild from scratch, that is not what is proposed. I therefore conclude that the proposal meets this criterion of Policy D8.
9. Turning to the second disputed criterion, it is contended by the appellant that the proposal would not amount to a residential use, as it could be restricted to holiday occupation by a planning condition. Consequently, it is argued, criterion c) should not apply. However, whilst the occupation could be so restricted, the proposal would, nevertheless, result in the creation of a dwellinghouse within Use Class C3<sup>1</sup>. The occupation of the building for holiday purposes would, therefore, be a residential use. The holidaymakers would be living in the dwellinghouse, albeit for a limited period, and would require access to services and facilities in the same way as permanent residents would. Criterion c) is, therefore, relevant to the proposal.
10. In any event, this is a somewhat moot point, as criterion 1 requires that the building is in a location which will not substantively add to the need to travel by car. This requires a consideration of the proximity of services and facilities, and the alternative means of accessing them. Furthermore, the requirements of criterion 1 are reinforced by Policy TC2 of the Local Plan, which is an overarching policy that aims to direct new development to locations that are

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987

accessible by pedestrians, cyclists, and public transport, and are well related to compatible land uses to minimise the need to travel by car.

11. There is a primary school, village hall, and church in All Saints, which lies approximately 1km to the southwest of the site as the crow flies, although the distance on foot or by bicycle is almost twice as far. It is unlikely, though, that holidaymakers would require regular access to the school or village hall. The nearest settlement with a range of services that would be appropriate to tourists, such as convenience shops and pubs/restaurants, is Axminster, approximately 2.5km away. This distance alone would be sufficient to deter walking as a mode of access in most cases. The route would also involve unmade and unlit footpaths, unlit and unsegregated roads, and a long stretch of the A358 that carries significant levels of fast-moving traffic, and has no lighting or footways. These factors combined make it unlikely that residents of the holiday accommodation would travel by foot to obtain goods, services, or entertainment.
12. The most direct cycling route would also include the busy A358. A safer route, via NCN Route 33, would extend the distance to the services in Axminster to a round trip of approximately 9km. This route would still also involve using a section of the busy A358. This, together with the overall distance, would reduce the appeal of this travel option for most holidaymakers seeking to access everyday services during their occupation of the holiday accommodation.
13. There is a bus service along Chard Road, which runs approximately 250 metres to the east of the site. The evidence indicates that buses run on a reasonably frequent basis between Chard and Axminster on weekdays and Saturdays. However, the bus stops are distant from the site, at the junction with Goldsmiths Lane to the south. The most direct pedestrian route to the stops would involve a journey of about 0.9 kilometres, much of which would be along an unmade and unlit footpath. The length and nature of the route is such that it would not be an attractive option during the hours of darkness, or in inclement weather, and would only be suitable, at any time, for those without mobility problems. Consequently, it is unlikely that residents of the holiday accommodation would regularly use the bus to obtain access to essential goods, services, and entertainment.
14. In view of the lack of easy or realistic alternatives, I therefore conclude that, for most journeys, the occupants of the holiday accommodation would be reliant on the use of a private car. In coming to this conclusion, I am mindful that paragraph 84 of the National Planning Policy Framework (the Framework) supports the sustainable growth of rural business and tourism. Furthermore, Paragraph 85 recognises that sites to meet local business and community needs in rural areas may have to be found outside settlements, and in locations that are not well served by public transport. However, in such circumstances, the Framework advises that the development should exploit any opportunities to make a location more sustainable (for example, by improving the scope for access on foot, by cycling or by public transport). The proposal does not include any such measures.
15. Paragraph 26.4 of the Local Plan explains that Policy TC2 promotes development in sustainable locations, where people can make realistic and viable alternative choices to the use of the private car. For the above reasons, I

conclude that occupants of the proposed holiday accommodation would not have easy alternatives to the private car to meet their everyday needs. The proposal would, therefore, be contrary to Strategy 7 and Policies TC2 and D8 of the Local Plan, which seek to limit development in the countryside, and to ensure that new developments, including converted rural buildings, are accessible, to minimise the need to travel by car.

### **Other Matters**

16. The site already accommodates a building, so falls within the Framework's definition of previously developed land (PDL). However, the Framework's encouragement to re-use PDL, at paragraphs 85 and 120, is subject to the land being within, or well-related to an existing settlement. As the appeal site lies some distance from any recognised settlement, the benefit of using PDL carries little weight in my decision.
17. After the Council made its decision, Natural England updated its advice in relation to nutrient level pollution. Relevant to the appeal proposal, the advice highlights concern that additional development within the River Axe catchment will give rise to increased phosphate levels that will adversely affect the River Axe Special Area of Conservation (the SAC). However, as I am dismissing the appeal, no harm will arise to the SAC, and it is therefore not necessary for me to consider the proposal any further in respect of the Conservation of Habitats and Species Regulations 2017.

### **Conclusion**

18. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*Nick Davies*

INSPECTOR