



Appeal Decision

Site visit made on 6 September 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/U1105/W/22/3293939

Valley View, Woodhouse Lane, Uplyme DT7 3SX

- 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 Ms Caroline Campbell against the decision of East Devon District Council.
 - The application Ref 21/3021/FUL, dated 17 November 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the demolition of garage and construction of single storey timber frame building to provide holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - whether the location of the proposed development is appropriate, having regard to local planning policies on the location of holiday accommodation
 - the effect of the development on the character and appearance of the area, with particular regard to the East Devon Area of Outstanding Natural Beauty (AONB).

Reasons

Location of development

3. The appeal site comprises the existing garage and parking area associated with the property of Valley View. It is located on Woodhouse Lane, close to the junction with Holcombe Lane.
4. There is no dispute between the main parties that the appeal site is located outside the Built-up Area Boundary (BUAB) of Uplyme. Strategy 7 of the East Devon Local Plan 2013-2031 (2016) (the Local Plan) defines all land outside the BUABs as countryside. To conserve and enhance the countryside, the strategy states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development.
5. Policy E16 of the Local Plan directs new tourist accommodation towards the most sustainable locations. To achieve this, it limits holiday and overnight accommodation to the BUAB of towns and villages, except where development involves the conversion or reuse of existing buildings. I note the appellant's

comments that, given its condition, the existing garage cannot be converted. However, as the proposed development involves a new building, following the demolition of the garage, this exception does not apply.

6. Whilst not in the BUAB, it is the appellants view that the proposed development accords with the other criteria in Policy E16 of the Local Plan. This includes the requirement that new tourist accommodation be accessible on foot, by bicycle and public transport. More generally, Policy TC2 of the Local Plan also seeks to minimise the need to travel by car by promoting new development in the most sustainable locations, where it is well related to compatible land uses and accessible by pedestrians, cyclists and public transport.
7. Although the nearby village of Uplyme has some compatible services and facilities, such as a public house, petrol station with convenience store, and tea rooms, they are small in scale. Pedestrian or cyclist access to Uplyme is possible via Woodhouse Lane, a winding, unlit single width carriageway with high banked hedges, occasional passing points and steep gradients in places. The alternative route is via the unpaved public bridleway and footpath off Woodhouse Lane, close to the site. As highlighted by the appellant, irrespective of location, potential users of the holiday accommodation, are likely to travel by car. Given the characteristics of these routes, albeit lightly trafficked, the limited access to public transport in the area and the small-scale facilities in the village, the likelihood that guests use a car would be high. Additionally, whilst the area may be a popular destination for walkers and cyclists, the appellant cannot be certain future guests of the proposed development would be holidaying in the area for these pastimes.
8. I conclude that the proposed development would not accord with the plan led strategy for the location of holiday accommodation, set out in the development plan. As there are no exceptions or identified policies that would permit additional holiday accommodation in this location, the appeal site would conflict with Strategy 7 and policies E16 and TC2 of the Local Plan.
9. Additionally, I find conflict with the guidance contained in Sections 2 and 9 of the National Planning Policy Framework (the Framework). The principles in these sections, amongst other things, seeks to achieve sustainable development and promote the use sustainable transport.

Character and appearance

10. It is not disputed by the main parties that the appeal site is located within the East Devon Area of Outstanding Natural Beauty (AONB). Therefore, in considering the proposed development, I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the natural beauty of the area, and that the AONB has the highest status of protection in relation to these issues.
11. In addition, Strategy 7 of the Local Plan requires development to ensure that it does not harm the distinctive landscape, amenity and environmental qualities of the area. Located within the Steep Wooded Scarp Slopes Landscape Character Area¹, the appeal site and its surroundings reflects the characterisation of this area: steeply sloping land, narrow winding lanes with well-treed banks and patches of woodland.

¹ As defined by the East Devon and Blackdown Hills Landscape Character Assessment (2019).

12. Whilst of modest size, the proposed tourist accommodation unit would be larger in length, width and overall height than the existing garage. As a result, combined with the need to remove some vegetation on the site and the rising topography of Holcombe Lane, the proposed development would be prominent in views along the lane. The proposed use would also lead to increased activity, in contrast to the existing ancillary use of the garage.
13. Despite the appellant's view that the existing garage does not compliment the AONB, this does not justify replacing it with a larger building that, in itself, would harm its rural setting.
14. In conclusion, the proposed development would unacceptably harm the character and appearance of the area and would not conserve or enhance the AONB. As such, it would be contrary to Strategy 7 and Policy E16 of the Local Plan which seeks to conserve and enhance the countryside and ensure development is compatible with the character of the surrounding area. Whilst not included in the decision notice, the main parties refer to Strategy 46 of the Local Plan. This seeks to ensure new development helps conserve or enhance the quality and local distinctiveness of AONBs, in particular. As I have found that the proposed development would not conserve or enhance the AONB, it would also be contrary to Strategy 46 of the Local Plan.
15. I also find conflict with Policy UEM4 of the Neighbourhood Plan which will support the development and expansion of tourism related businesses provided it does not have a significant adverse impact on the landscape of the AONB, amongst other things.
16. The proposed development would also conflict with the principles of Chapter 15 of the Framework, which seek to conserve or enhance the natural environment.

Other Matters

17. I have been made aware that Newcastle Cottage, located close to the site, is a listed building. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990, I have paid special regard to the desirability of preserving the setting of this designated heritage asset.
18. Newcastle Cottage is located on the other side of Woodhouse Lane, diagonally opposite the appeal site, and away from the junction with Holcombe Lane. Whilst positioned directly onto Woodhouse Lane, the cottage is orientated away from the highway. Given the separation distance, high hedges and relationship of the cottage to Woodhouse Lane, the proposed development would not be seen in the same vistas of the listed building. As a result, there would be no harm to the setting of this listed building.
19. Whilst the gain of tourist accommodation would have social and economic benefits, given its limited size, such benefits would be small. Even if I were to consider the proposed development accords with Strategy 33 of the Local Plan which promotes tourism in the district, these small benefits would not outweigh the development plan conflict identified above.
20. Whilst I recognise the appellant's attempts to resolve the reasons for refusal of a previous application, my assessment has been based on the planning merits of the case before me. I also note the appellant suggested, during the application process, that an electric car charging point and electric bikes could be included as part of the development. Whilst these would provide

opportunities for guests, should they be able to use them, to travel by more sustainable modes of transport, they would be under no obligation to do so.

21. Additionally, even if I were to consider that the appeal proposal had been carefully designed, uses appropriate materials and the proposed landscape treatment acceptable, in accordance with local and national planning policy, this would be a neutral factor in my decision.
22. My attention has been drawn to other sites in the district where planning permission² has been granted in locations the appellant considers to be far less sustainable than the appeal site. However, these planning permissions relate to different forms of tourism development, including hardstanding for touring caravans and shepherds hut tourist accommodation. Therefore, these examples are not necessarily comparable. Notwithstanding this, I am not aware of all the information submitted with these applications to the Council and I have based my decision on my observations of the site and its surroundings, along with the evidence before me.
23. Given the size of the district, I appreciate that the Council will consider numerous tourism related applications, including on sites which may not have been expressly identified in the Local Plan. I also acknowledge that there may have been other recent development or works in the local area. However, these are not reasons, in themselves, to allow unacceptable development, nor does the existence of such examples justify harm.

Conclusion

24. The proposed development would conflict with the development plan as a whole and there are no material considerations in this case which suggest a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR

² Ref 21/2900/FUL and Ref 21/0019/FUL