



Appeal Decision

Site visit made on 20 September 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2022

Appeal Ref: APP/Y1138/W/22/3298980

Homecroft, Road From Waterhouse Cross To Bury Hill Cross, Cheriton Fitzpaine EX17 4BB

- 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 Iain MacAulay against the decision of Mid Devon District Council.
 - The application Ref 22/00025/FULL, dated 16 December 2021, was refused by notice dated 8 March 2022.
 - The development proposed is conversion and change of use of the existing single storey garage to a dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site provides a suitable location for the proposed development, having regard to the Council's spatial strategy and with particular regard to development in the countryside.

Reasons

3. The appeal site comprises a domestic garage building associated with the residential dwelling known as Homecroft. Homecroft is set within a large plot, which consists of the building the subject of this appeal, as well as further outbuildings and the main house. The site is in a rural location to the north of Cheriton Fitzpaine and is surrounded by agricultural land. There is no dispute that the appeal site is located within the countryside for planning policy purposes. Furthermore, it is an isolated location in terms of paragraph 2.82 of the Mid Devon Local Plan 2013 -2033 (LP)
4. Policy S14 of the LP seeks to control development in the countryside to agricultural and other appropriate uses, including the residential conversion of appropriate existing buildings. In this regard LP Policy DM9 provides criteria against which the conversion of rural buildings will be assessed.
5. In terms of an appropriate existing building, LP Policy DM9 supports the conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's character, subject to specific criteria. This criteria includes that an access can be created without damaging the surrounding rural area's character; the building can be converted without significant alteration; the design will retain the original character of the building and its surroundings; and the development will retain

any nature conservation interests associated with the building and provide net gains in biodiversity where possible.

6. I observed at my site visit that the building is in an active use as a home office, games room and for general domestic storage. Therefore, and importantly, the building is not redundant or disused. Consequently, although I find that the development would use an existing suitable access; would preserve the original character of the building and its surroundings; is of a permanent construction; and the appellant's Ecology Survey also indicates that the building can be converted without harmful loss of ecology with potential biodiversity net-gain, there is conflict with the key requirement of LP Policy DM9.
7. Similar to LP Policy S14, the National Planning Policy Framework (Framework) at Paragraph 80 seeks to avoid isolated homes in the countryside unless one of a specific set of circumstances apply. In this regard, the proposal, which I have identified above as not being redundant or disused, does not meet any of the detailed criteria.
8. The Council also maintains that a new unit of housing at the site would not have adequate access to services and facilities that may be reasonably required on a day-to-day basis by future residents. LP Policy S1 and Paragraphs 8, 11 and 79 of the Framework seek to achieve development that supports the creation of sustainable communities with accessible services whilst protecting the natural and built environment.
9. My observations generally accord with the walking distances and times provided by the appellant. However, whilst in reasonably close proximity to the services and facilities at Cheriton Fitzpaine, the appeal site is only accessible via an unlit country lane which features undulating topography, lacks a pedestrian pavement, and is single track for long expanses offering little refuge to pedestrians and cyclists from oncoming vehicular traffic. The evidence before me confirms that a regular bus service runs from Cheriton Fitzpaine to the wider services provided at Crediton, although I note that pedestrians travelling to the bus stop would still need to travel along the highway described above.
10. Given the character of the highway from the appeal site to the village, I find that it would be unattractive to both pedestrians and due to the undulating nature, cyclists. Future occupiers of the dwelling would therefore likely have a high dependency on private vehicles to access services. For those that did not have such access, the services and facilities in the village would not be readily accessible.
11. Given the above, the appeal site would not provide a suitable location for the proposed development. Consequently, the appeal scheme would conflict with LP policies S1, S13, S14 and DM9 which, amongst other matters, seeks to direct development to defined settlements, creates safe and accessible environments and reduce the need to travel by car. The proposal would also be contrary to the provisions of the Framework, which seeks, amongst other things, to enable appropriate sustainable rural development with both access to, and in order to support local services as well as giving priority first to pedestrian and cycle movements, and facilitating access to, and encouraging public transport use.

Other Matters

12. The appeal proposal would provide an additional unit towards housing supply which would modestly contribute to the Government's objective of significantly boosting the supply of homes as articulated in paragraph 60 of the Framework. Furthermore, the proposal would provide economic benefits in terms of employment opportunities during the construction phase, future occupiers would support existing local facilities and services, and provide benefits in terms of biodiversity enhancement. However, in combination I attach limited weight to these benefits by reason of the scale of the proposed development being a single dwelling.
13. I have had regard to those paragraphs of the Framework that have been brought to my attention. Whilst Paragraphs 8, 11, 60 and 79 are of relevance, Paragraph 51 relates to the use of Local Development Orders, and I therefore find not relevant to this decision.
14. The appellant suggests that the proposal will be energy efficient and will not give rise to increased flooding elsewhere. Even if this were the case, this would be a neutral factor in the planning balance.
15. I note the appellant's comments about the Council's general handling of the application and the requirements of Paragraph 38 of the Framework. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.

Conclusion

16. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR