



Appeal Decision

Site visit made on 29 November 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2023

Appeal Ref: APP/U1105/W/22/3303190

Sceat Cottage, Colyton Hill, Colyton EX24 6DP

- 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. D Brazendale against the decision of East Devon District Council.
 - The application Ref 21/2781/FUL, dated 20 October 2021, was refused by notice dated 21 January 2022.
 - The development proposed is change of use from holiday cottage to unrestricted residential dwelling (Use Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from holiday cottage to unrestricted residential dwelling (Use Class C3) at Sceat Cottage, Colyton EX24 6DP in accordance with the terms of the application, Ref 21/2781/FUL, dated 20 October 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.

Main Issue

2. The main issue is whether the appeal site would provide a suitable location for the proposed development, with particular regard to access to services and facilities.

Reasons

3. The site is within a rural location, positioned alongside Colyton Hill between Colyton and Whitford. The property sits within a line of houses set below the road with open views across the countryside to the east. It is situated outside any defined settlement boundary or allocation in the East Devon Local Plan (the LP) and falls within the open countryside. Strategy 7 of the LP indicates, amongst other things, that development in the countryside will only be permitted where it is in accordance with a specific policy of the plan that explicitly permits such development.
4. Policy D8 of the LP considers the reuse of buildings outside defined built-up area boundaries and the proposal complies with this Policy in principle. In part, Policy D8 requires that development would not substantively add to the need to travel by car. This Policy, in referring specifically to residential proposals, requires that such development, amongst other things, is located close to a

range of accessible services and facilities to meet the everyday needs of residents.

5. The appeal building is subject of a condition that limits its use as holiday accommodation. The condition does not limit the period(s) when the dwelling can be occupied.
6. Strategy 5B of the LP sets out that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. It seeks to direct development at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment. Policy TC2 of the LP similarly sets out that development should be located so as to be accessible by pedestrians, cyclists and public transport. Paragraph 105 of the National Planning Policy Framework (the Framework) states that, amongst other things, opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
7. The closest settlement, Colyton, is about 1 kilometre away and contains a range of services, facilities and employment opportunities. The nature of the access roads, which are generally unlit, unsegregated and steep in places are likely to limit the practicality of walking and cycling to access most day-to-day facilities. However, a bus service runs directly past the site. The bus service offers a public transport route with links to Axminster, Seaton, Colyton and Beer. The service can be hailed at the road junction of the appeal site and whilst the hourly service does not operate into the evenings or on Sundays, there would be opportunity to access services and facilities in these towns and villages by other means than the car. There is also a bus stop to the south-west of the site offering a public transport route with links to Seaton, Colyton, Honiton and Taunton.
8. The Council has suggested that travel patterns would be more demanding for unrestricted residential use due to occupiers settled lives. However, there is no substantive evidence to demonstrate that the holiday use would likely generate less demand for travel than the proposed unrestricted residential use. The current condition does not limit how many people could occupy the building and the building could be occupied all year round. The Framework and policies TC2 and D8 of the LP note that in rural locations there is likely to be some reliance on the car.
9. Although the nature of the local road network is likely to limit the practicality of walking and cycling to access services and facilities, there would be some opportunity to use the bus. Moreover, as it already exists, the broad acceptability of both its location and any travel-related environmental impacts arising from its residential use have already been established and there is no substantive evidence that any increase in travel from an unrestricted residential use would be significant. As such, given my findings above, I conclude that the site would provide a suitable location for an unrestricted residential dwelling, with particular regard to access to services and facilities. Therefore, I find no conflict with the provisions of Strategies 5B and 7 or Policies TC2 and D8 of the LP, and the proposal would comply with the general thrust of paragraph 105 of the Framework.

Other Matters

10. The site is located within the East Devon Area of Outstanding Natural Beauty (AONB). The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. Paragraph 176 of the Framework attaches great weight to the conservation of landscape and scenic beauty in AONBs. There is no dispute between the parties over the effect of the proposal on the AONB and there are no external changes proposed to the building or the site. Therefore, I find that the character and appearance of the area would not be affected and the landscape and scenic beauty of the AONB would be conserved.
11. After the Council made its decision, Natural England updated its advice in relation to nutrient level pollution. In this regard, 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). The Conservation of Habitats and Species Regulations 2017 (as amended) require the decision maker to undertake an Appropriate Assessment before giving any permission where there are likely significant effects on the integrity of a designated site, either alone or in combination with other plans and projects.
12. The site is a holiday cottage. There is no limit on when the dwelling can be occupied or on the number of occupiers, and there would be no additional drainage or extra flows and discharge of phosphates from the proposal. As such, this would avoid adverse effects on the integrity of the SAC, either alone or in combination with other plans and projects.

Conditions

13. I have imposed the standard time condition for commencement of development. A plans condition is not necessary as there are no physical changes proposed.

Conclusion

14. For the reasons set out above, having considered the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be allowed subject to the condition set out.

J White

INSPECTOR