



Appeal Decision

Site visit made on 13 December 2022

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2023

Appeal Ref: APP/W1145/W/22/3301817

Great Philham Farm, Nr Hartland, Bideford, Devon EX39 6DL

- 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 Anthony Brumham and Mrs Lorraine Brumham against the decision of Torridge District Council.
 - The application Ref 1/0081/2022/FUL, dated 20 January 2022, was refused by notice dated 14 April 2022.
 - The development proposed was described as "removal of an abandoned, partially constructed building and replace with a sensitively designed family home".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The spelling of Great Philham Farm as the site address on the application form appears to be incorrect. For the appeal site address, I have therefore used the spelling referred to in other documentation.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities; and,
 - the effect of the proposal on the landscape and scenic beauty of the North Devon Coast Area of Outstanding Natural Beauty (AONB).

Reasons

Suitability of the location

4. The site is near to the hamlet of Philham and located within the open countryside outside of any defined Centre or Settlement.
5. There are no day-to-day services or facilities in Philham, or nearby, and access to the site is via narrow unlit roads without footpaths and with limited passing places. From the information before me, the site is only served by a school bus, a community Ring and Ride service and the usual waste and recycling services.
6. Although I acknowledge that supermarket and other deliveries to the site may be possible, the site is in a remote location a significant distance from the majority of services and facilities such as places of work, social, leisure, health, and other retail services and facilities. As a result, future occupants of the

development would be reliant on the motor car to access these services and facilities.

7. Due to the location of the site on the opposite side of, and set back from, the road and closest buildings, the site is isolated from the hamlet. As the proposal does not meet any of the criteria to Paragraph 80 of the National Planning Policy Framework (the Framework), the proposal would result in the development of an isolated home in the countryside contrary to the Framework.
8. I note the previous consent on the site for a dwelling. From the information available to me this dwelling was granted on the basis that a need was demonstrated at the time for a dwelling to be located here to accommodate an agricultural/forestry worker in accordance with policies that allow homes in the countryside to meet the needs of these essential workers. The appeal proposal is not for an essential worker, or other form of accommodation supported in the Countryside. As a result, this previous consent does not affect my findings above.
9. Concluding on this main issue, the proposed development would not provide a suitable location for housing having regard to the accessibility of services and facilities. As a result, it would not accord with the Framework and Policies ST07, ST10, ST21 and DM06 of the LP. Amongst other things, these policies seek to direct development to the defined Centres, Villages and Rural Settlements with at least one prescribed service or facility to enhance the sustainability of local centres and to reduce the need to travel by car.

Character and appearance

10. The appeal site is located opposite farm buildings and Great Philham House off the southern side of Philham Lane. The site consists of a small field partly enclosed by banks. There is some planting on the banks, particularly facing Philham Lane. Within the site is a partly constructed building. To the east, south and west of the site are fields.
11. The site is located within the AONB to which The National Planning Policy Framework (the Framework) states great weight should be given to conserving and enhancing its landscape and scenic beauty. Paragraph 176 of the Framework states that the scale and extent of development in AONB's should be limited.
12. The AONB in this location is, in part, characterised by its undeveloped rolling landscape of pastoral farmland divided by hedgerows. I note the comments submitted in response to the appeal on behalf of the AONB Partnership stating that the proposal would have an adverse effect on the AONB.
13. The site is located on the opposite side of the road detached from the closest built development. Whilst I acknowledge the presence of built form further along the lane, the site is not viewed in association with these buildings. Although the existing banks and planting provide some screening for the site, its location, and two-storey design, would be visible and appear incongruous and detached from the existing built form in the landscape, particularly when viewed from Philham Lane.
14. I appreciate that from more distant views to the south the built form would be read against the backdrop of the farm buildings. However, its two-storey form

and associated lighting and paraphernalia would make the building prominent in views from these locations. As a consequence, the proposal is not sensitively located and does not avoid or minimise its impact on the AONB.

15. Concluding on this main issue, the proposed development would harm the landscape and scenic beauty of the AONB, to which I have given great weight. As a result, it would not accord with the Framework and Policies ST04, ST14, DM04, DM08A of the LP. Amongst other things, these policies seek to achieve high quality inclusive and good design that respects the character of the area and conserves the setting, landscape, and scenic beauty of the AONB.

Other Matters

16. The Council cannot demonstrate a five-year supply of deliverable housing sites at present. Paragraph 11 of the Framework indicates that policies of the development plan, including the LP, may be out-of-date in these circumstances. As a result, the Framework indicates that permission should be granted, except in certain circumstances including where areas or assets of particular importance, such as an AONB, provide a clear reason for refusing the development
17. I have already concluded that development would conflict with the Framework policy relating to AONB's that provides a clear reason for refusing the development proposed, in accordance with the presumption in favour of sustainable development set out at paragraph 11 of the Framework.
18. I note the partly constructed building on the site and its planning history. Although I appreciate that an Inspector found that the previous consent would not have a significant environmental impact, that proposal was for an agricultural worker's dwelling where its location in the countryside was supported by planning policy. As the information before me indicates that this previous consent cannot be completed, the site is not brownfield land and with no such policy support for the current proposal, I find that the appeal proposal would have a more harmful visual impact and prominence than the existing structure. This is due to its greater built form, two-storey nature and associated lighting and residential paraphernalia.
19. I acknowledge the proposal would benefit from the use of local materials, environmentally friendly technology including solar panels, battery storage and high levels of insulation. I note letters of support for the proposal. However, these matters do not outweigh my findings above. I also note reference to the lack of a demolition order, but I am unclear to what this relates.

Conclusion

20. I have concluded that the proposal would conflict with Policies ST04, ST07, ST10, ST14, ST21, DM04, DM06 and DM08A of the LP. As a result, I consider that the proposal conflicts with the development plan as a whole. There are no other considerations, including the provisions of The Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR