



Appeal Decision

Site visit made on 18 April 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/U1105/W/22/3313627

Mount Houlditch Farm, Toadpit Lane, West Hill, Devon EX11 1LQ

- 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 James Brennan against the decision of East Devon District Council.
 - The application Ref 22/1584/FUL, dated 19 July 2022, was refused by notice dated 12 October 2022.
 - The development proposed is the demolition of two barns and three outbuildings and the construction of a residential annexe ancillary to the main dwelling house, a pool house also ancillary to the main dwelling house and an extension to the house for a home office.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of two barns and three outbuildings and the construction of a residential annexe ancillary to the main dwelling house, a pool house also ancillary to the main dwelling house and an extension to the house for a home office at Mount Houlditch Farm, Toadpit Lane, West Hill, Devon EX11 1LQ in accordance with the terms of the application, Ref 22/1584/FUL, dated 19 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DGA P.01 (Location Plan), DGA P.06 (Dwelling Existing and Proposed), DGA P.07 (Proposed Roof Plan Ancillary), DGA P.08 (Proposed Ancillary Building), DGA P.09 (Proposed Pool House), DGA P.10 (Proposed Site Plan) and DGA P.11 (Demolition Plan).
 - 3) The residential annexe hereby permitted shall not be used other than for purposes ancillary to the use of the dwelling known as Mount Houlditch Farm, Toadpit Lane, West Hill, Devon EX11 1LQ.
 - 4) The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Impact Assessment carried out by Richard Green Ecology and dated July 2022.
 - 5) No development shall commence until details of the materials to be used in the construction of the external surfaces of the residential annexe hereby permitted have been submitted to and approved in writing by the

local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The Council's reasons for refusal relate solely to the proposed residential annexe. Given that there are no other areas of dispute, the main issues below are limited to that aspect of the proposed development.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - Whether the proposed residential annexe would be ancillary to the main dwelling.

Reasons

Character and appearance

4. The appeal site is located within a rural area, close to the village of West Hill. It is set within attractive gently rolling countryside with relatively few residential dwellings immediately nearby. The site itself contains a very large, relatively modern dwelling, which is surrounded by various barns and outbuildings.
5. The proposed annexe would be located within the grounds of the host dwelling, roughly on the site of an existing metal outbuilding that is proposed to be demolished. Due to the topography of the site, the annexe would be set slightly lower in the landscape than the main dwelling. In addition, the annexe would only be single storey in height. As a result, the building would not be particularly prominent on the site.
6. There are public footpaths to the south and east of the appeal site. Existing hedgerows do provide some screening and the approved plans show that further planting is proposed to further obscure views into the site. Nevertheless, it is likely that in places, these footpaths would still provide views towards the proposed annexe. However, despite the presence of a hedgerow between the main dwelling and the proposed annexe, there would be a clear visual connection. Indeed, when viewed from the public footpaths, the annexe would be seen in the context of the much larger main dwelling, and it would therefore appear subservient and would not be dominant within the landscape.
7. The overall appearance of the proposed annexe would also be sympathetic to the existing main dwelling given that it would be partially clad in timber and have a slate roof and wooden window frames. It would therefore not appear incongruous or out of place in its surroundings.
8. As a result, I conclude that the proposed residential annexe would not harm the character and appearance of the area and is therefore in conformity with the relevant aspects of Policy D1, and Strategies 7 and 46 of the East Devon Local Plan 2013 to 2031, adopted 28 January 2016 (the Local Plan). It is also in conformity with Policies NP1 and NP2 of the Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill, 2017-2031. Taken together, these policies seek to ensure that development would maintain existing character, including that of rural areas, and be of a high quality design.

Whether the proposed residential annexe would be ancillary to the main dwelling

9. The proposed annexe would include all of the necessary facilities to allow independent living, including a kitchen and bathroom. However, the appellant has stated that the accommodation would be for an elderly relative. In such circumstances, it is not unreasonable for the annexe to meet the requirements of everyday living. Moreover, the annexe would be located within the existing garden, and would utilise the same driveway and outside recreation space.
10. In combination, these factors lead me to conclude that the annexe would be ancillary to the main dwelling, rather than being a new independent dwelling in its own right. As a result, it is not necessary to consider whether the appeal site represents a suitable location for a new house. Indeed, any proposal for a change of use to enable the annexe to be used as an independent dwelling would require separate approval. To provide additional certainty, I have imposed a suitably worded condition to require that the annexe is used as ancillary accommodation.
11. I therefore conclude that the proposed annexe would be ancillary to the main dwelling, and as a result, there is no conflict with Strategy 3 and Policy TC2 of the Local Plan, which taken together, require new residential development to be located in sustainable locations that reduce dependency on car travel. There is also no conflict with the relevant aspects of the Framework.

Other Matters

12. An Ecological Impact Assessment was submitted as part of the planning application. It identifies that the demolition of the two barns, shown on the approved plans as A and C, could have a negative impact on bat and nesting birds which are protected species. However, the report puts forward recommendations and mitigation measures to ensure that any harm is limited to an acceptable degree. There is no objection from the Council in relation to this issue and I therefore have no evidence before me to indicate that the potential impact on protected species should lead me to dismiss this appeal. To reduce the risk of harm, I have imposed a condition to secure the suggested mitigation measures set out in the ecological assessment.
13. The Council's statement argues that the conversion of one of the existing barns, shown on the approved plans as Barn C, would be preferential to the proposal to build a new annexe. However, I have found that the proposed development would not result in harm, and therefore it is not necessary for me to consider alternative schemes.
14. The Council are not able to demonstrate a 5-year supply of deliverable sites. However, as I am allowing the appeal, any further consideration of this issue is unnecessary.
15. The appeal site is located within 10km of the East Devon Heath Special Protection Area. However, given that the proposed development is ancillary to the main dwelling, I am satisfied that it would not have a significant adverse effect, either alone or in combination with other plans or projects.

Conditions

16. I have set out the reasoning for imposing conditions related to the ancillary use of the annexe and ecology. I have also imposed conditions to identify the

relevant timescale and plans in the interests of certainty. A final condition requires the submission of details of external materials to the local planning authority to ensure that the development respects existing character and appearance.

Conclusion

17. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR