



Appeal Decision

Site visit made on 11 July 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2023

Appeal Ref: APP/W1145/W/23/3314843

Coombeshead Park Farm, road from Tower Hill House to Dubbs Cross, Virginstow EX21 5EA

- 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 Bricknell-Webb against the decision of Torridge District Council.
- The application Ref 1/0734/2021/FUL, dated 24 June 2021, was refused by notice dated 29 July 2022.
- The development proposed is replacement dwelling pursuant of approval 1/0446/2017/AGMB.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development, having regard to the relevant development plan policies, previous decisions and the character and appearance of the area.

Reasons

3. The appeal site is located in an exposed countryside position, where views into it are available through two entrance points. In such locations, Policy ST07 of the North Devon and Torridge Local Plan 2011-2032 (LP) limits development to meet local economic and social needs, and development necessarily restricted to a countryside location. I acknowledge the proposal would better meet the personal needs of the appellant, providing practical, adaptable, multigenerational alternative accommodation, and opportunities to work from home; thus avoiding the need, in retirement, to move off the farm. The appellant suggests the proposal would potentially replace farm workers accommodation elsewhere, but no mechanism to control such an undertaking is before me. It has not been demonstrated that the proposal would meet local economic or social needs, nor does the development need to be restricted to a countryside location, as required by Policy ST07 of the LP. Additionally, as the development would not replace any dwelling, Policy DM26 of the LP would not apply.
4. Prior approval was previously granted on appeal in 2017¹ under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 on the appeal site for the conversion of an agricultural building to a dwelling (the prior approval). Although that grant of

¹ APP/W1145/W/17/3188267

consent has lapsed, I have no evidence before me to demonstrate that the site specific circumstances have changed and that prior approval would not be granted once more. Therefore, I am satisfied that the prior approval is a material consideration that can be afforded substantial weight. There is an extant planning permission granted in 2021² (the planning permission) for two dwellings which would replace the barn subject to the prior approval, and this represents a material consideration that can also be attributed substantial weight. In respect of the prior approval and the planning permission (the fallbacks), based on the evidence before me, there is a real prospect that either development would be carried out.

5. The proposed development would make use of acceptable external materials and would be positioned adjacent to the existing barn that is the subject of the fallbacks, and on lower ground due to the gentle sloping topography. However, despite the appellant's intended contemporary, asymmetrical and linked farmstead arrangement of buildings and screened garage, the sprawling extent of new built form on the site would appear to be of a greater cumulative scale and consequently, more incongruous in the landscape than the fallbacks.
6. Furthermore, although small sections of the roof tops of the planning permission would rise above the barn and would be closer to the road than the appeal dwelling, the tallest part of the appeal scheme would rise above the ridge height of the existing barn, despite being on much lower ground. Also, the proposed development would be particularly visible from the proposed access and entrance point.
7. The appellant suggests landscaping and removal of permitted development rights conditions to improve the screening of the development as well as the proposed landscaping and planting to the Devon Bank. However, even though the appeal scheme would result in one less property than the planning permission, the proposal would result in a substantial increase in scale and massing when compared with the fallbacks that would not be mitigated by such landscaping or by the removal of some permitted development rights. Additionally, the planning permission includes extensive additional planting secured through condition and is positioned more discretely by being closer to the roadside hedge. As such, the development would be more harmful than the fallbacks and unsympathetic to the landscape.
8. Therefore, I conclude on the main issue that the site is not a suitable location for the proposed development, having regard to the relevant development plan policies, previous decisions and the character and appearance of the area. For the above reasons, the development would be in conflict with policies DM04, ST04 and ST07 of the LP, which amongst other things, seek to deliver housing that responds to a proven agricultural, forestry or other occupational need that requires a countryside location; and developments that are appropriate and sympathetic in their scale, massing, height and relationship to landscape features.
9. I have not been provided with any substantive evidence to demonstrate the development would be in conflict with Policy DM08 of the LP which is concerned with biodiversity and geodiversity.

² Planning permission reference 1/0422/2021/FUL

10. At my visit I observed what appeared to be a newly formed access to the site which is reflective of the site access associated with the planning permission. Therefore, I cannot be certain that the planning permission has not already been implemented or as a result, that the submitted Unilateral Undertaking (UU) would effectively control the number of dwellings that could potentially be brought forward, as it intends. In any case, even if the UU were effective, I have found the development would be more harmful than the fallback positions and harmful to the character and appearance of the area.

Other Matters

11. I note the appellant's comments in respect of the presence of European Beavers within the agricultural unit, though this matter is no determinative to the outcome of the appeal.

Conclusion

12. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR