
Appeal Decision

Site visit made on 10 July 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/U1105/D/22/3306390

Marwood House, Lane to Bluebell Farm, Offwell EX14 9RW

- 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 & Mrs McDermott against the decision of East Devon District Council.
 - The application Ref 22/0481/FUL, dated 1 March 2022, was refused by notice dated 29 July 2022.
 - The development proposed is detached granny annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether the location and nature of the proposal would accord with the development plan and its effects on the rural character and appearance of the area.

Reasons

3. The host dwelling, Marwood House, is a detached dwelling adjacent to the unnamed rural road in the vicinity of the scattered settlement of Offwell. Its location is rural, outside of any 'Built Up Area Boundary' (BUAB) as defined within the East Devon Local Plan (2013) (EDLP).
4. The dwelling and its access are positioned in the western side of the area outlined in red on the submitted Location Plan. A number of detached garden outbuildings and enclosures are situated to the east of the dwelling within the remaining extensive area. The land falls steeply down towards the south from the roadside hedge. The red line area is also enclosed by vegetated hedgerows with some trees, including some notable Oak trees immediately to the east of the dwelling.
5. The proposal is to construct a detached annexe on an existing concrete base on an area of land to the east of the dwelling. It would be in close proximity of the northern roadside hedge and, from the evidence, around 50 metres east of the dwelling. Internally, the floorplan details a two bedroom unit with its main outlook to the south, with living space and WC/shower facilities, but absent of a kitchen. A level path would be maintained from the annexe to the host dwelling to facilitate movement between the two. The Appellants indicate that a condition would be accepted to limit the use of the annexe as incidental to the host dwelling.

Location and nature of development

6. The Council question whether the land onto which the annexe would be constructed is a part of the garden associated with Marwood House, as from records it holds, the land was previously used for agricultural purposes and has not formally had its use changed to domestic garden to form part of the single planning unit, either prior to the change or retrospectively.
7. The situation on the ground now is that the domestication of the land has extended beyond what may have once been the originally defined garden of Marwood House. There are a number of detached outbuildings, planted areas and enclosures dotted throughout the middle of the area outlined in red, many of which are in the northern, flatter parts of the site. The concrete base is the most westerly feature within the space, and the remainder is largely left to grass, down to the low point in the south.
8. Though the evidence before me is limited on both sides, an entry noted in the planning history to which the Council has drawn my attention suggests that the garden area was previously shown as more contained than in the submitted Location Plan. The topography may be a prohibitive factor in terms of the useability of the garden and former agricultural uses, (if relevant), but there is no clarity on when what was likely to have been a more contained garden merged with the adjoining land to form a single planning unit in association with the residential use of Marwood House. Owing to this and the points outlined above, my view is that a change of use of land or proof of the lawfulness of such would be needed to recognise the entirety of the red line site area to be considered a single planning unit in residential use. However, this is not an aspect of the proposal before me which seeks solely for permission to construct an annexe.
9. As a result, I can only conclude that a building to facilitate primary residential uses separate from the planning unit of the host dwelling should be considered as an independent dwelling, rather than an annexe. Given the circumstances, a planning condition would not adequately remedy this situation. A new dwelling outside of a BUAB in the countryside would not accord with the spatial strategy of the EDLP which seeks to locate new dwellings within BUABs where they have reasonable access to facilities and to minimise dependency on private vehicles.
10. The proposal therefore conflicts with EDLP Strategies 3 and 7 and Policy TC2.

Character and appearance

11. The surrounding area is characterised by its steeply varied topography, patchwork of agricultural land, wooded areas, narrow lanes, small hamlets and sporadic rural dwellings. It falls within the East Devon Area of Outstanding Natural Beauty. The appeal site reflects these characteristics, with Marwood House being an imposing, detached dwelling set in a rural position accessed via a narrow rural road enclosed by hedgerows and set within an area that folds into a wooded valley.
12. The appeal proposal would introduce a detached outbuilding on land some distance from the host dwelling. The building would be single storey and clad in larch, with a staggered asymmetric roof form covered in metal profiled sheeting and standing at around 3.3 metres high from the existing concrete

base. It would be positioned close to the northern boundary hedgerow which limits views into the site from the rural road.

13. By virtue of its scale - exceeding that of typical domestic outbuildings - and its siting in a removed position away from Marwood House, the proposal would introduce an urbanising feature into the countryside. The effects would be of a minor to moderate magnitude and some of the harm would be mitigated by the northern hedgerow and close association with other smaller domestic outbuildings, though, given my findings in relation to the extent of the planning unit and any lawful uses, I cannot be certain of the status of those buildings.
14. For the above reasons, the proposal would harm the rural character and appearance of the area, contrary to Strategies 7 and 46 of the EDLP which seek to ensure that development does not harm the distinctive landscape, amenity and environmental qualities within which it is located, and helps conserve and enhance the quality of the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Planning balance and conclusion

15. Given the nature of the proposal and its siting, and the harms to the character and appearance of the area, the proposal is in conflict with the development plan when taken as a whole.
16. The Appellants indicate that the annexe would be for a family member and their live-in carer, although limited details have been provided about the individual concerned, their specific needs or alternative options explored, either on site or elsewhere. In any event, taken at face value, there would be an obvious social benefit of allowing the Appellants to address the needs of a family member and provide a continuity of care. I attribute this modest weight. There would also be some economic benefit from the construction phase, albeit limited in duration and by the modest scale of the development.
17. Considered in the round, I do not consider that the benefits are sufficient to outweigh the harms or indicate that a decision should be taken other than in accordance with the development plan.
18. For the foregoing reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR