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# Appeal Decision

Site visit made on 6 September 2023

**by S Harrington MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2023**

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**Appeal Ref: APP/U1105/W/23/3318815**

**Heatherdale, Cooks Lane, Axminster, Devon EX13 5SQ**

- 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 Mark Howarth against the decision of East Devon District Council.
  - The application Ref 22/0261/FUL, dated 7 February 2022, was refused by notice dated 21 September 2022.
  - The development proposed is change of use of building for annexe and holiday accommodation purposes.
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## Decision

1. The appeal is dismissed.

## Main Issue

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

## Reasons

3. The appeal site is an existing annexe building, associated with, and located within the front garden of the property known as Heatherdale. Although the appeal site is located adjacent to other residential properties to the periphery of Raymonds Hill, it is situated outside any defined Built-up Area Boundaries or allocation as illustrated within the East Devon Local Plan (LP).
4. Whilst 'open countryside' is not defined within the LP, Strategy 7 notes that 'countryside' is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations. Furthermore, LP paragraph 6.23 explains that in 'open countryside' outside defined boundaries, development will be resisted unless under certain specific circumstances. No differing definition in respect of 'open countryside' has been provided to me within the evidence. In the absence of any differing definition, I find that for planning purposes, and notwithstanding adjacent built form, the appeal site is in the open countryside.
5. LP Policy D8 relates to the re-use of rural buildings outside of settlements, and amongst other criteria, requires the development to be in a location close to a range of accessible services and facilities to meet the everyday needs of residents. Within the evidence I have not been directed to any definition of a 'rural building' within the LP. However, paragraph 21.15 of the LP explains that Policy D8 has been developed to help manage and guide the re-use of rural buildings outside of settlements. Furthermore, given Policy D8(5) seeks to ensure proposals do not undermine the viability of existing agricultural

enterprises, it is notable that the Policy as a whole does not restrict itself to agricultural buildings. Therefore, whilst I acknowledge that the proposal is within a grouping of residential buildings, given the location of the appeal building in the countryside for planning purposes as identified previously, I find no compelling reason as to why a building associated with a residential use cannot be considered a 'rural building' for the purposes of this Policy.

6. LP Policy E16 addresses proposals for holiday accommodation. To ensure that new tourist accommodation is directed toward the most sustainable locations, the Policy permits new holiday accommodation within Built-Up Area Boundaries and the use of existing buildings in the open countryside, particularly those related to small-scale farm and rural diversification within close proximity to the main farmhouse or country house, subject to certain criteria including that the proposal is accessible on foot, by bicycle and public transport. The appeal building does not lie within a Built-Up Area Boundary, and the proposal is not part of a farm diversification scheme close to a farm or country house.
7. The National Planning Policy Framework (Framework) refers to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development and supports the sustainable growth of rural business and tourism. However, while this may be so, the Framework advises that development should exploit any opportunities to make a location more sustainable (for example, by improving the scope for access on foot, by cycling or by public transport).
8. LP Strategy 5B relates to sustainable transport and aims for development to contribute to the objectives of promoting and securing sustainable modes of travel and transport. This is reflected within LP Policy TC2, which is an overarching policy that aims to direct new development to locations that are accessible by pedestrians, cyclists, and public transport, and are well related to compatible land uses to minimise the need to travel by car. The policy supporting text explains that LP Policy TC2 promotes development in the most sustainable locations, where people can make realistic and viable alternative choices to the use of the private car.
9. Whilst acknowledging the existing use of the appeal building, and that intended occupants may well be holiday makers, thereby potentially not requiring services such as education facilities, I observed that Raymonds Hill is extremely limited in terms of services and facilities. As such it would be necessary to travel to the wider area in order to access almost every service and facility. However, bus stops on the A35 to the south of the appeal site do provide access to a number of regular daily services which would enable travel to such facilities and tourism destinations.
10. In order to reach the A35 from the appeal site, my attention has been drawn to a map of public rights of way in the area, which appears to indicate a public footpath in close proximity to the appeal site, providing a pedestrian link to the A35. However, this footpath doesn't exist on the ground, with no indication that such a footpath could be utilised. Indeed, the route of the footpath as indicated would traverse existing built form. Therefore, in order to access public transport links, future occupants would currently have to access the A35 along a lengthy stretch of unlit narrow twisty roads which do not benefit from pedestrian footways and are unattractive for pedestrian and cyclist use. These factors combined make it unlikely that future occupants of the holiday

accommodation would travel by foot or bike to obtain goods, services, or visit tourism destinations.

11. The use of the appeal building is currently restricted by planning condition to be used in conjunction with, and ancillary to Heatherdale as a single dwelling, although I accept it is not restricted by a planning condition in terms of number of occupiers or period of occupation. Nevertheless, it is reasonable to expect the number of movements associated with the occupant or indeed occupants of the appeal building, and Heatherdale combined to be that of a single, although potentially large household.
12. The proposal would result in the potential for the appeal building to be a separate dwellinghouse, albeit one where the occupation could be restricted for holiday purposes by the imposition of a planning condition. There are material differences between the building being used for holiday occupancy purposes and its use as an annexe. Whilst I note the appellant's contention that a holiday use would not result in longer or more numerous journeys, the use of the building by a separate household, particularly those on holiday in the area, is likely to generate a number of movements due to activities such as exploring and visiting the wide range of tourism attractions and facilities found in the wider area, as well as more general services and facilities required for day to day living.
13. I therefore cannot concur with the appellant that the existing use of the building as an annexe is likely to generate similar travel patterns to the proposal. Moreover, even if travel time to Axminster is only around 6 minutes as put to me by the appellant, this does not minimise the need to travel by car and would still, in itself, result in some environmental impact.
14. Consequently, whilst there is a reasonable level of local services and facilities available in the wider area, they are not sufficiently accessible in relation to the appeal site. I find that it is likely that future holiday occupiers of the proposal would be heavily reliant on private motor vehicles. Whilst dependence on private vehicles may be expected in a rural location such as this, and the existing use would also generate a number of journeys, the proposal would only exacerbate this level of reliance.
15. In conclusion, the appeal site would not provide a suitable location for the proposal with regard to access to services and facilities. The proposal therefore conflicts with LP strategies 5B & 7 and LP policies D8, E16 and TC2 which, among other things, seek to ensure that development is conveniently located for the facilities required to meet the everyday needs of residents. The proposal would also be contrary with the provisions of the Framework in relation to promoting sustainable transport.

### **Other Matters**

16. The Council have not raised concerns in relation to the effect of the proposal on the character and appearance of the area, neighbouring occupiers living conditions, or parking provision and highway safety. On the evidence before me I see no reason to disagree. However, these are ordinary requirements for development, and they do not represent a positive benefit that weighs in favour of the proposal.

17. Tourism is noted as a key sector in the local economy with LP Strategy 33 seeking promotion of tourism within the district and LP Policy E5 supporting small scale economic development in rural areas subject to certain criteria. Moreover, the Framework supports the rural economy, including sustainable tourism. I accept that holiday accommodation plays a role in supporting the rural economy and that the proposal would create economic benefits through the spend of future occupiers in the local area and use of local facilities and services.
18. Notwithstanding, I find that the benefits of the proposed scheme would be limited in scope and scale. In my view, such matters either individually or in combination do not outweigh the identified harm and the associated development plan conflict described above.
19. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposal upon the River Axe Special Area of Conservation in accordance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.

### **Conclusion**

20. The proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

*S Harrington MA MRTPI*

INSPECTOR