



Appeal Decision

Site visit made on 24 October 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/Q1153/W/23/3321661

**Legge Farm, Road From Church Road To Holsworthy Bridge, Highampton
EX21 5LF**

- 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 N Berridge against the decision of West Devon Borough Council.
 - The application Ref 4242/21/FUL, dated 16 September 2021, was refused by notice dated 9 December 2022.
 - The development proposed is erection of dwelling under paragraph 80(e) of the NPPF.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would meet the policy exception for new dwellings in the countryside as set out in paragraph 80e of the National Planning Policy Framework (the Framework) and the local housing strategy; and
 - the effect of the proposed development on carbon emissions.

Reasons

Dwellings in the countryside

Paragraph 80 of the Framework restricts the development of isolated homes in the countryside unless one or more of a number of circumstances apply. The circumstance relevant to this appeal is part e) of the paragraph: *the design is of exceptional quality, in that it:*

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

3. Policy TTV1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) sets out the settlement hierarchy which is to focus development on the main towns which provide a broad range of services. Beyond the towns and villages, development is only permitted where it would support the principles of sustainable development set out in policies TTV2, SPT1 and SPT2 of the JLP. Together these policies, amongst other things, support proposals that have

reasonable access to a vibrant mixed-use centre, and that are well served by public transport.

4. Amongst other things, Policy TTV26 of the Plymouth & South West Devon Joint JLP necessarily restricts development in the countryside unless it would secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area. Additionally, Policy DEV10 of the JLP is concerned with delivering high quality design and development with good public transport connectivity to existing developed areas.

Truly outstanding and reflecting the highest standards in architecture

5. The appeal site is in an isolated location away from settlements that have access to services and facilities and comprises undisturbed and tranquil agricultural land bound by established trees. Views into the site which is on rising land are possible through punctuated gaps on the site's southern boundary. An established tourist destination and fishery farm with lakes are located to the west in an area that includes woodland.
6. The proposed 5 bed property would incorporate sustainable fishery practices into its design by the inclusion of strong functional water capturing roofing linked to a variety of sheltered and open ponds for growing and planting purposes. These innovative links to fish breeding within the setting of the proposed property would reflect a particularly high standard of architecture.
7. The proposed energy efficiency measures including solar panels, ground source heating and solar gain orientation of the property are beneficial features. However, there is little evidence that these would be of a truly outstanding design that would provide benefits over and above what would be expected to comply with Policy DEV32 of the JLP.
8. Reference is made to a Linhay as a source for the design typology. Stone, timber and roof trusses would be locally sourced and produced respectively. However, the building's appearance would be dominated by features including its solar panels, extensive glazing, balcony areas and brise soleil. Additionally, although roofing and other materials could be secured via a suitably worded condition, there is little evidence to demonstrate that the proposed bronze roofing, its winged design and the building's overall form or massing would be reflective of the local area and landscape. For these reasons, and notwithstanding the comments of the Design Review Panel (DRP), the proposed design and use of materials would result in a building of notably domestic character and appearance that would have very little in common with the aforementioned simplistic Linhay design characteristics or local landscape. Accordingly, it would not be of an exceptional design quality.
9. The scheme would retain an existing access track and the property would be positioned against a backdrop of mature trees including proposed bolstered hedgebanks and hedgerow vegetation. Furthermore, the proposed 'growing on' lake would be fed from a natural spring on the appeal site and consequently, the proposed layout features would be aligned with the sloping topography and the site's natural features. However, at the time of my visit when trees were mostly in leaf, I saw that the proposed property and lake would be visible from a nearby highway, divorced from any existing visible built form. Even with the

proposed additional planting, the eye would be drawn to the proposed large and untypical structure and lake over an undisturbed and verdant landscape. Notwithstanding the conclusions of the DRP submitted Landscape & Visual Appraisal, in this respect the proposal would not be of a truly outstanding design and would appear as an incongruous feature in the landscape.

10. For the above reasons, when taken as a whole, the proposal would not be truly outstanding and would not reflect the highest standards in architecture.

Help raise standards of design more generally in rural areas

11. The appellant describes the proposal as a project that is being offered to a college as a unique working 'development learning model' from the drawing board through detail design, and on to the site delivery and operation. Furthermore, they say that the project will take the opportunity to collaborate with the centre for environment, fisheries and aquaculture science (CEFAS) and as a working case study the Devon Wildlife Trust to help increase knowledge around the benefits of reinstating culm grassland with respect to biodiversity, carbon sequestration and flooding. In that context, they assert that the learning outcomes would be linked to raising design standards generally in rural areas.
12. Despite these potential beneficial future learning outcomes, and the site's unique setting and context, there is little evidence that these could not be brought to fruition without the introduction of a large unit of residential accommodation. Furthermore, although the appellant submits that an operators dwelling is one of the requirements to deliver a natural fishery, the proposal is submitted on the basis of compliance with paragraph 80e rather than any other criteria of that paragraph. Even so, there is no substantive evidence to demonstrate that the dwelling would be required for the nearby business. As such, the proposal would not raise standards of design more generally in rural areas.

Significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

13. There is no dispute between the parties that the proposed fishery, hydrology and biodiversity interventions including the reinstatement of the culm grassland would significantly enhance the immediate setting and would be sensitive to the defining characteristics of the local area. Whilst the Council does not consider there to be any conflict with policies DEV20 and DEV23 of the JLP in respect of landscaping proposals, as discussed above, the proposed building would nevertheless introduce an untypical and publicly visible feature within the landscape that would not be of exceptional quality. Therefore, even though the proposal would broadly conserve and enhance the landscape character and would deliver significant biodiversity enhancements, I find that in the round, the scheme would not significantly enhance its immediate setting, and neither would the property be sensitive to the defining characteristics of the local area.
14. Drawing these matters together, there are some aspects of the proposed design that would be innovative and would reflect a particularly high standard of architecture, though the design in its overall context would not be truly outstanding. I do not find that the proposal would help raise standards of design more generally in rural areas. Additionally, despite landscaping and the

numerous biodiversity enhancements, the proposed property would not significantly enhance the immediate setting and would not be sensitive to the defining characteristics of the local area.

15. Therefore, I conclude on this main issue that the proposed development would not meet the policy exception for new dwellings in the countryside as set out in paragraph 80e of the Framework. It would also conflict with local housing strategy policies SPT1, SPT2, TTV1, TTV26 and DEV10 of the JLP. Had I concluded that the proposal met the requirements of paragraph 80e, Policy DEV8 of the JLP would not be relevant. Regardless of this, the proposed development would deliver a high quality, self-build home where the Council do not say there is no need. There may therefore be some need in the area. Consequently, in the absence of any substantive evidence to the contrary, I find the proposal would not conflict with Policy DEV8 of the JLP.

Carbon emissions

16. The Council is concerned that the carbon costs of building a large property in an isolated location would be significantly more than homes built in more accessible locations. Whilst this is conceivable, I have been provided with little substantive evidence of what this would amount to. The appellant's submitted energy statement includes data using SAP10.2 software which the Council had the opportunity to comment on. This report concludes that the proposed energy efficiency measures including ground source heating and solar panels would make the proposed development net zero carbon. Additionally, the evidence demonstrates that culm grassland has carbon storage benefits. Whilst I have concluded above that the scheme would not be of an exceptional quality as required by paragraph 80e of the Framework, in the absence of any substantive evidence to the contrary the scheme would nevertheless identify opportunities to minimise the use of natural resources in the development over its lifetime, as required by Policy DEV32 of the JLP.
17. Therefore, I conclude on this main issue that the proposed development would not have a harmful effect on carbon emissions. As such, the development would accord with Policy DEV32 of the JLP. There would also be no conflict with the Framework where it says that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply. Paragraphs 153 and 158 of the Framework relate to policy making and specific renewable development and are therefore not relevant.

Other Matters

18. In reaching my conclusion, I have had regard to the various paragraphs of the Framework and case law cited by the appellant which emphasises that the development plan should be considered as a whole. However, these cases do not lead me to a different conclusion, due to the overall conflict I have found with the Framework and a number of policies, which means the proposal would not accord with the development plan as a whole.
19. There are grade II listed buildings near the site and consequently there is a statutory duty to pay special regard to the desirability of preserving their setting. From the evidence before me it is apparent these buildings are significantly separated from the appeal site by intervening woodland

vegetation. As such, the appeal site does not affect their setting. Furthermore, neither party has raised any concerns in this respect.

20. I note the appellant's comments in relation to the processing of the planning application, however these have little bearing on my decision which is based on the planning merits of the development.

Conclusion

21. Bringing together my conclusions on the main issues I have found that the proposal would not harmfully affect carbon emissions. However, this does not outweigh the harm I have found to the significant conflict with paragraph 80e of the Framework and the local housing strategy.
22. 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