



Appeal Decision

Site visit made on 11 October 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2023

Appeal Ref: APP/Y1138/W/23/3321207

Croft View, Silver Street, Culmstock, Devon EX15 3JE

- 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 Mrs Moyra McIlveen against the decision of Mid Devon District Council.
 - The application Ref 22/01820/FULL, dated 21 September 2022, was refused by notice dated 15 November 2022.
 - The development proposed is the change of use of ancillary accommodation to a residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be in an appropriate location, taking account of development plan policies.

Reasons

3. The appeal site is located just outside of the settlement boundary of Culmstock. Policy S14 of the Mid Devon Local Plan 2013-2033, July 2020 (LP) sets out that land outside of defined settlement boundaries is classified as countryside. In such locations the policy sets out that open market housing will only be appropriate in certain circumstances, including the conversion of appropriate existing buildings.
4. LP Policy DM9 identifies that, to be considered appropriate for conversion, a building must be redundant or disused. I observed on my site visit that the existing building contained various items of furniture and other domestic items. The appellant has also noted that the building is still in use. It therefore cannot be regarded as being redundant or disused and so does not meet the requirements of Policy DM9.
5. Furthermore, the supporting text to Policy S14 also sets out that any location outside of the defined settlement boundaries should be regarded as being 'isolated'. My attention has been drawn to a Court of Appeal Judgement¹ where it was noted that the phrase 'isolated development in the countryside' simply means a dwelling that is physically separate or remote from a settlement. With regards to the appeal before me, the site is well connected to existing buildings immediately to the south of the site, including the host dwelling known as

¹ Braintree District Council v Secretary of State for Communities and Local Government and others [2018]

'Croft View'. As such, I recognise that the appeal site cannot be considered to be isolated.

6. However, while that might be the case, it does not follow that the whole of LP Policy S14 is therefore, in the words of the appellant, 'out of date'. Indeed, irrespective of whether the site is in an isolated location, the overall thrust of the Council's spatial strategy very clearly seeks to avoid the provision of open market homes outside of defined settlement boundaries. In this instance the appeal site extends beyond the line of existing buildings either side and there are open views towards the undeveloped pastoral fields immediately to the north. As such, while the annexe already exists, the proposed development would be perceived as a separate residential dwelling encroaching on the surrounding countryside, thereby eroding the rural character of the immediate area.
7. Paragraph 15 of the National Planning Policy Framework sets out that the planning system should be genuinely plan-led. Given that the LP was adopted relatively recently, and the fact that the Council's ability to demonstrate a 5-year supply of sites does not appear to be in dispute, there is no reason for me to conclude that the adopted spatial strategy should be departed from in this instance. As a result, I conclude that the proposed development would not be in an appropriate location. It is therefore in conflict with LP Policies S1, S14 and DM9, the relevant aspects of which seek to ensure that development is sustainable and appropriately located in accordance with the spatial strategy.

Other Matters

8. The appeal site is adjacent to the Culmstock Conservation Area. Its significance arises from the historic layout of the village and the way that it developed over many years, along with the attractive appearance of many of the buildings. In this instance, the proposal would not significantly alter the external appearance of the existing building. As such the setting of the Conservation Area would not be affected.
9. The proposal would provide one new dwelling in a location that is close to various services and facilities in the village. There would also be some associated economic benefits. However, the small-scale nature of the development means that these benefits would be limited. As such, the benefits of the proposal do not outweigh the identified development plan conflict to which I afford significant weight.
10. The appellant has referenced several appeal decisions in support of their case. I do not have the full details of those cases before me. However, it seems in those instances that it was concluded that various material considerations outweighed any conflict with the development plan. I have set out why that would not be the case in this instance.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh that conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR