



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: 9th November 2023

Appeal Ref: APP/P1133/W/23/3317529

Reedy Meadow Nursery, Road from Lockhouse Farm to Reedy, Dunsford, Devon EX6 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Mandy Forster against Teignbridge District Council.
 - The application Ref 22/01547/FUL, is dated 11 August 2022.
 - The development proposed is the demolition of an agricultural building and construction of a dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an agricultural building and construction of a dwellinghouse at Reedy Meadow Nursery, Road from Lockhouse Farm to Reedy, Dunsford EX6 7AB in accordance with the terms of the application, Ref 22/01547/FUL, dated 11 August 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's appeal statement, in so far that it provides clarity on the reason why the Council would have refused planning permission had it been able to do so.
3. In the absence of any evidence from the Council to indicate otherwise, it would appear that there is no dispute between the parties as to the acceptability of the other elements of the proposal. I shall therefore confine my detailed considerations to character and appearance.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located within a small hamlet, close to Dunsford village, and forms part of a wider site that is associated with a former horticultural enterprise. The immediate area has a verdant and rural character which is not negatively affected by the considerable variety in the style, size and age of the dwellings nearby. The site forms part of the Yeo Uplands and Slopes Landscape Character Area, as identified within the Council's Landscape Character Assessment, 2009 (LCA), and also forms part of an Area of Great Landscape

Value. The LCA sets out that the strategy for the area should be one of conservation and enhancement with a particular focus on maintaining the existing rural character and the strong sense of tranquillity.

6. The site currently comprises a single storey agricultural barn which benefits from approval to convert it to a dwelling under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015¹. The proposed development that is the subject of this appeal would instead see the demolition of the barn and the provision of a two storey dwelling with a linked single storey garage.
7. In terms of height and overall floorspace, the proposed dwelling would be larger than the dwelling permitted through Class Q approval. It would also be of a relatively modern appearance, and its size, in combination with its north-south orientation, would ensure that it would be easily visible from the nearby lane. However, I am of the view that these factors would not result in harm. Indeed, there are several existing houses nearby that are also two storeys in height and are of fairly modern designs. Furthermore, the existing house immediately adjacent to the appeal site already has permission² for an extension that would result in it becoming a two-storey dwelling of similar appearance to that of the appeal proposal. As a result, the appearance of the proposed dwelling, including its overall mass and style, would not appear incongruous or out of keeping with its surrounds.
8. In addition, given that it is readily apparent that the wider site was previously developed, the proposed dwelling, along with its generous curtilage and any associated domestic paraphernalia, would not be seen to erode rural character or the tranquillity of the area. The aims of the LCA would therefore be met. The proposed development also includes the provision of hedgerows to form a boundary. In my view, the provision of hedgerows is to be encouraged and it is not clear why an identifiable natural boundary of this sort would be harmful. Indeed, this element of the proposal would likely enhance the existing appearance of the site.
9. I therefore conclude that the proposed development would not harm the character and appearance of the area and is therefore in conformity with Policies S1, S2, S22 and EN2A of the Teignbridge Local Plan 2013 – 2033. Taken together, the relevant aspects of these policies seek to ensure that development is well designed and that it preserves and enhances character and appearance, including in Areas of Great Landscape Value. It is also in conformity with paragraph 130 of the National Planning Policy Framework which, in part, has similar aims.

Conditions

10. The standard conditions to identify timescales and plans have been imposed in the interests of certainty. Conditions have also been imposed to require the submission of surface water drainage details and a flood warning and evacuation plan to address flood risk, and an additional condition on finished floor levels is included for the same reason. Conditions relating to landscaping, planting, external materials, the Air Source Heat Pump and permitted

¹ Ref. 22/00705/NPA

² Ref. 21/01035/HOU

development rights are imposed to ensure that character and appearance is preserved.

11. Further conditions have been imposed to address climate change, including those relating to carbon emissions, the electric vehicle charging point and photovoltaic panels. Conditions requiring the implementation of ecological measures and enhancements, installation of low transmission window glazing, and the control of external lighting and construction times are imposed to protect the ecology of the area, including protected species.

Conclusion

12. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A1.01 Rev A (Location & Block Plans), A02.01 (Existing Floor Plan & Elevation), A02.02 Rev A (Proposed Floor Plans) and A03.01 Rev A (Elevations).
- 3) The building hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Prior to commencement of the development hereby permitted full details of the carbon reduction measures associated with the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.
- 7) Prior to commencement of the development hereby permitted details including location, maintenance and management of the Air Source Heat Pump (ASHP) shall be submitted to and approved in writing by the Local Planning Authority. The ASHP shall then be installed and made operational to serve the development and shall be maintained and retained as such in perpetuity.

- 8) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 9) Prior to the first occupation of the development hereby permitted a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall contain:
 - (a) the necessity of including the building on the Environment Agency' Flood Warning System
 - (b) trigger levels for evacuation
 - (c) the location of safe refuge within the property
 - (d) the access and egress in the event of a floodThe approved Plan shall then be made for all future occupiers of the development within the same or tenancy pack.
- 10) Prior to the first occupation of the dwelling hereby permitted, an electric vehicle charging point shall be installed at the site for the dwelling and shall be commissioned and available for use. The charging points shall be a 32A (7.3kW) Mode 3 unit and shall be maintained in good working order thereafter as specified by the manufacturer.
- 11) Prior to the first occupation of the dwelling hereby permitted the photovoltaic panels as shown on drawing numbered A03.01 REV A shall be installed and operational to serve the hereby approved development. The panels shall be managed and maintained operational for the life of the development.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes A, AA,B, D and E of Part 1 and Class A of Part 2 of Schedule 2 (which includes extensions, alterations, outbuildings and means of enclosure to and associated with the dwellinghouse) shall be undertaken on the premises (other than those expressly authorised by this permission).
- 13) The finished floor level for the development hereby permitted shall be constructed to minimum 65.82m AOD and shall be maintained and retained as such for the life of development.
- 14) The development shall proceed in strict accordance with the precautions, measures and enhancements described in the Ecological Assessment Report (Redstone Ecology 2022).
- 15) All windows on the hereby permitted dwelling shall be installed with low transmission glazing which will reduce the transmittance of light by at least 40% from standard glazing. The glazing shall be maintained and retained as such in perpetuity.
- 16) All construction works associated with the hereby permitted development shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from

April to October inclusive). No lighting shall be left on over-night during the construction phase.

- 17) Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no external lighting shall be installed on, or in association with the garage/bat roost building. No external lighting shall be installed on, or in association with the barn/house except for low-lumen, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or birds). Any such lights shall be mounted at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges and trees. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (3,000K or less) and a wavelength of 550nm or more.