



Appeal Decision

Site visit made on 16 January 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/U1105/W/23/3326441

Stables and sand school adj Willowmead, Toby Lane, Woodbury Salterton EX5 1QB

- 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 and Mrs and Mrs Browne against the decision of East Devon District Council.
 - The application Ref 22/2485/FUL, dated 8 November 2022, was refused by notice dated 18 May 2023.
 - The development proposed is change of use from stable to self-build dwelling including associated works and parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mr and Mrs Browne against East Devon District Council. The application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, none of the revisions to the Framework would be material to it, albeit that paragraph numbers have altered. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.
4. The site address in the application form contains an error. I have therefore taken the site address from the Council's decision notice. This is similar to that used in the appellant's appeal form.

Main Issue

5. The main issue is whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy and its accessibility to services and facilities.

Reasons

6. The appeal site comprises equestrian stables and surrounding land that is within a larger field. This field includes an associated training area and is accessed off a narrow country lane. The scheme proposes the change of use of the equestrian building to a dwelling. There are some properties in the broader vicinity, though these do not collectively form part of any recognisable

settlement. In that context, it is common ground that the site is within the open countryside and can be described as 'isolated' within the context of paragraph 84 of the Framework.

7. Amongst other things, this paragraph says that planning decisions should avoid isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting. There is no dispute between the parties that the proposed schedule of materials and landscaping would provide some modest enhancement to the immediate setting.
8. The Council is however concerned that the building is not 'redundant' or 'disused'. Taking the ordinary meaning of each of these words, redundant means something is no longer needed or useful. Disused can be defined as a state of not being used or neglect.
9. The appellant says that their herd has reduced in size, lessening requirements on site. As such, it is submitted that associated kit and feed could be reasonably stored on site or within the proposed dwelling and curtilage. At my visit, there were no horses on the appeal site. I did however observe numerous bulky equestrian related items within the appeal building. These items appeared to be reasonably related to the wider equestrian use of the appeal site and its surrounding land. Whilst some items could be stored in the proposed property, given their amount and scale and the restricted proposed layout, it is unlikely that all could be. For these reasons, even if requirements have lessened, the building still continues to be useful and required for its ongoing permitted use.
10. Furthermore, although it may be healthy for horses to be kept outside, the appeal building nevertheless provides a useful facility for the equestrian activities, even if costly to maintain. Based on the evidence before me and on the balance of probabilities, I am not persuaded that the appeal building is redundant or disused. There is no requirement in the Framework that such buildings are obsolete or marketed in order that an alternative party could take on the site. However, for the above reasons, there are no circumstances within paragraph 84 of the Framework where an isolated home in the countryside would be supported.
11. Turning to the matter of accessibility, amongst other things, Strategy 5b and Policy TC2 of the East Devon Local Plan 2013-2031 (LP) seek to promote development that is safe and accessible by pedestrians, cyclists and public transport.
12. The appeal site is approximately 1km and 850m from the two nearest settlements. These settlements provide a very limited range of services and facilities. Public transport to Exmouth, Exeter and other routes on the main road network is available within approximately 600m of the site. However, pedestrians would nevertheless be required to navigate long stretches of unlit and unpaved narrow lanes to reach this connection. Cycling is an option but this would not be suitable or attractive for all. This would therefore not be an inviting regular route for all road users, especially in the dark or during inclement weather conditions.
13. It is acknowledged that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Additionally, although the

appellant would not need to travel distances to attend to the equestrian land, the scheme would nevertheless be likely to generate a greater intensity of use and traffic movements than currently. As such, the development would not give priority first to pedestrian and cycle movements as promoted within paragraph 116 of the Framework.

14. Drawing these matters together, occupants of the proposed development, particularly the elderly and families with children, would be heavily reliant upon the private car for access to basic services and facilities. There are no exceptional circumstances that would outweigh this. Therefore, the site is not a suitable location for the proposed development having regard to the provisions of local and national policy and its accessibility to services and facilities. As such, there would be conflict with the requirements of paragraph 84 of the Framework. Moreover, there would be conflict with Strategy 5b and Policy TC2 of the LP and paragraph 116 of the Framework.

Other Matters

15. The site is close to the Pebblebed Heaths Special Protection Area and Special Area of Conservation. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated site falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the European designated sites. In that context, I would have looked at the appropriateness of the appellant's financial contribution towards mitigating recreational pressure on the SAC through their submitted S111 Undertaking.
16. However, as the identified harm in respect of the suitability of the location provides clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision since any findings on this issue would not change the appeal outcome.
17. In its reason for refusal, the Council does not refer to any conflict with Policy D8 of the LP, which concerns rural building re-use. Neither does it raise concerns with Strategy 7 of the LP which deals with its overarching approach to housing distribution. I have paid regard to the appellant's submission in respect of these policies. However, the policies have not been determinative to the overall outcome of this appeal.
18. I have been provided with a number of appeal decisions at different sites. The Grange Farm¹ appeal involved a building that had not been used for agriculture for around 25 years. Furthermore, the Inspector concluded that it was not 'isolated' as there were around 25 dwellings within 400m of the property. There are similarities between this and the appeal scheme in terms of the distance of that site to the nearest settlement. However, for the above reasons, they are materially different.
19. In respect of the Otter Valley Golf Centre² appeal, the Inspector concluded that fewer vehicle movements would have been generated as a result. This is

¹ Appeal Ref: APP/U1105/W/20/3248033

² Appeal Ref: APP/U1105/W/19/3234774

not comparable with the appeal scheme. The Coldharbour Farm³ appeal was materially different to this scheme in that the Inspector concluded it was located adjacent to a farm shop for day to day shopping and was a short distance to the nearest settlement. The Inspector dealing with the Strawberry Fields Livery Yard⁴ appeal decided that walking or cycling was a practical option as it was close to a settlement with access to services and a train station. This is a materially different set of circumstances.

20. The appellant refers to the nearby Land at Higher Road⁵ appeal where the Inspector acknowledged that the wording 'close to' within Policy D8 of the LP was not expressly defined in terms of distance. However, they concluded that the scheme was not close to a range of services to meet the everyday needs of residents. The Greenhayes⁶ appeals were concerned with redundant agricultural buildings whereas I have concluded that the appeal building is not redundant. In any case, as I have set out above, the aforementioned appeals were concerned with a policy that has not been determinative to the outcome of this appeal.

Planning Balance and Conclusion

21. It is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 11 (d) of the Framework indicates that in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposal would provide an additional dwelling. Nevertheless, despite a supply of 4.68 years of deliverable sites, it is important that development happens in the right places. In that context, the Framework explains that isolated dwellings in the countryside should be avoided. I consider that the proposal would create an isolated form of development. The proposal does not fall within any of the exceptions set out within Framework paragraph 84 for permitting isolated dwellings in the countryside. As such, it would be in conflict with national planning policy. I have also found that the proposal would be in conflict with Strategy 5b and Policy TC2 of the LP. These policies are consistent with the relevant aims of the Framework and can be afforded substantial weight.
23. The proposal would provide a high quality, well landscaped, family dwelling that would make a positive contribution to the supply of housing, albeit the benefits of a single dwelling would be very modest. There would be some benefits to the appellant in terms of connectivity to their private equestrian facilities, though I give this very limited weight. It would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy.
24. Against these benefits I need to balance the adverse impacts. The need to deliver sustainable patterns of growth is an important consideration and one which is embedded in the Framework. The harm arising from the poor access to services and facilities would run contrary to the social and environmental

³ Appeal Ref: APP/U1105/W/20/3249590

⁴ Appeal Ref: APP/U1105/W/18/3218286

⁵ Appeal Ref: APP/U1105/W/22/3292273

⁶ Appeal A Ref: APP/U1105/W/22/3294599 and Appeal B Ref: APP/U1105/W/22/3294600

objectives of sustainable development. This adverse impact would significantly and demonstrably outweigh the benefits. As such, the proposal would not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11.

25. 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

