



Appeal Decision

Site visit made on 19 December 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/W1145/W/23/3321315

River View, Bidna Lane, Northam, Devon EX39 1NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ashley Clements against the decision of Torridge District Council.
 - The application Ref 1/0860/2022/OUT, dated 6 September 2022, was refused by notice dated 1 November 2022.
 - The development proposed is to replace existing outbuilding (garage & workshop) with single live-work dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all matters reserved. As such, where the proposed site plans show any information relating to the reserved matters, I have treated this as illustrative for the purposes of making my decision.

Main Issues

3. The main issues are, firstly, whether the proposed development would be in a suitable location, taking account of the Council's adopted spatial strategy, and secondly, the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The North Devon and Torridge Local Plan, October 2018 (LP) does not contain specific policies regarding live-work units. However, there is no conflict with the National Planning Policy Framework (the Framework) in this regard, and the Council is not required to include such policies within their plan. As a result, I do not consider that the relevant policies should be deemed out of date, and it is therefore appropriate to assess the proposal against the Council's adopted spatial strategy.
5. The appeal site is located outside of any settlement boundary, and as such, is regarded as being within the countryside for planning purposes. LP Policy ST07 identifies that in these locations, new development will be limited to that which would meet local economic and social needs, among other things.

6. In this instance, a proportion of the proposed building would be utilised for residential use. Therefore, when considered as a whole, the proposal would not accord with the requirements of LP Policy ST07 which does not permit open market residential dwellings in countryside locations. The fact that the residential dwelling would form part of a live-work unit does not overcome this policy conflict.
7. Furthermore, the site forms part of the undeveloped coast within the Coast and Estuary Zone. LP Policy ST09 states that development will only be permitted where it cannot be reasonably located outside of that designation.
8. The appeal relates to an outline application, and therefore details of the proposed workspaces are limited. The appellant has suggested that the proposed building would contain an office and several other facilities associated with their business, and that the site would also be used for boat storage. I accept that the nature of the appellant's business means that a location is required somewhere near the estuary, and that a reasonable amount of space would be required. However, there is no substantive evidence before me to set out why the proposed development is required in this specific location, within the undeveloped coast. Indeed, without more detailed evidence on reasonable alternatives, it is not possible to conclude that the requirements of LP Policy ST09 have been met.
9. The Framework does provide general support for the provision of live-work units. However, the provisions within the Framework must be read as a whole, and the need for development to be sustainable is a golden thread that runs throughout it. In this instance, allowing such a scheme in a countryside location would clearly undermine the Council's spatial strategy which seeks to direct open market housing to more sustainable locations, while also protecting the character of the undeveloped coast. In this instance, while the proposal would reduce the need for the appellant to travel for work purposes, the lack of services that exist in the immediate area means that it would still be necessary to travel to nearby settlements such as Bideford, Northam or Westward Ho! to access facilities that are required for everyday living, including supermarkets. Allowing this proposal would also risk setting a precedent that any scheme that enables working from home could be acceptable within the countryside.
10. My attention is drawn to paragraph 84 of the Framework. In my view, 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 either side, including the host dwelling known as 'River View'. As such, I recognise that the appeal site cannot be considered to be isolated when considered against paragraph 84. However, this does not alter the fact that the proposal is in conflict with the relevant LP policies.
11. As a result, I conclude that the proposed development would not be in a suitable location. It would therefore conflict with LP Policies ST07, ST09 and ST14. Taken together, the relevant aspects of these policies seek to ensure that development is sustainably located, including by avoiding inappropriate development within the Coast and Estuary Zone and undeveloped coast.

Character and Appearance

12. The appeal site is located on a quiet country lane. While there are existing residential dwellings in the immediate area, including the host dwelling, the surroundings have a particularly spacious, tranquil and peaceful feel.
13. Given that all matters are reserved, it is not possible for me to ascertain whether the proposal would result in a net increase in built form on the site, or whether the appearance or layout of the proposed building and curtilage would be harmful. Such conclusions could only be reached as part of the consideration of reserved matters. However, the proposed development would add further residential development to the immediate area and would also result in a reduction in the gap between dwellings. In combination with the activity associated with the appellant's business, the intensification of residential use in this area would significantly detract from the existing tranquillity of the surroundings in what is a quiet countryside location. This harm could not be controlled by condition as suggested by the appellant.
14. Therefore, the proposal would conflict with the relevant aspects of LP Policies ST09, ST04, DM04 and DM08A which seek to ensure that development preserves existing character, including the tranquillity of the undeveloped coast.

Other Matters

15. The appellant has stated that the existing barn could be converted to residential use by utilising permitted development rights. There is no reason for me to disagree with the appellant's assertion that the barn was previously in agricultural use. However, there is no substantive evidence before me to confirm whether the barn meets all of the other criteria required under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). I also note that the appellant has not progressed such a scheme and has not committed to doing so should this appeal fail. Furthermore, given that the appeal proposal is in outline form, it is not possible for me to compare the benefits of it against a Class Q conversion of the barn. As a result of the lack of detail and certainty, I afford this fallback position very limited weight in making my decision.
16. LP Policy DM27 offers broad support for the conversion of redundant and disused rural buildings. However, by the appellant's own admission the barn is not currently redundant or disused and so this policy would not apply.
17. The Council has set out that it is now able to demonstrate a five year supply of deliverable sites. The appellant has not contested this position as part of their final comments, and I see no reason to disagree with the Council's evidence. As such, I am satisfied that paragraph 11d of the Framework does not apply in this instance. The context of the decision is therefore not comparable to that of another application put forward by the appellant as part of their evidence¹.

Conclusion

18. The proposed development conflicts with the development plan when considered as a whole. The provision of one new dwelling would add to local housing stock and would make use of previously developed land, while there

¹ Council ref: 1/1035/2022/OUT

would also be economic benefits for the local area associated with the business element of the proposal. However, given the small-scale nature of the scheme, any such benefits are likely to be limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR