
Appeal Decision

Site visit made on 5 March 2024

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/Q1153/W/23/3327354

**The Old Railway Cottage, Road from Hole Cross to Patchacott Cross,
Patchacott, Devon EX21 5AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs Natasha Barnes-Hutchinson against the decision of West Devon Borough Council.
- The application Ref is 0328/23/FUL.
- The development proposed is described in the application as *"We are proposing to buy and build a prefabricated 5.95m x 8.08m log cabin in which we can then use to carry out our work which is dog grooming. Myself and my husband are both dog groomers, this is our trade and service. The prefabricated log cabin we have found would allow us to have : a salon area, a bathing area, an office area, a toilet, a seating area. We have a hard standing area within our front 4.5 acre paddock, which it could be built on- this space has it's own entrance gate from the driveway. We have recently moved to the area from Hertfordshire, we are both self employed dog groomers and have 3 young children. Living so rural we would like the opportunity to work from our land at home and then be able to support each other when working and looking after the children. We considered using the steel barn however with the plan for the livestock it would be unsuitable having dogs and hair drying machines in the same environment, not to mention the amount of building work internally that would need to be done as it is just a vast space there is no structure inside or flooring, from a well-being and safety point of view of all the animals. The current shed is far too small to work in and will be used to store children's garden toys during the winter months. The log cabin structure we are requesting permission to build will give us the space to have a workable, secure and enjoyable salon area, drying area, toilet, seating and office space. There is a separate gate for access to the driveway/ hard standing space, there is ample space for clients to drop their dogs off with their car safely. We will only be working part time not 6 days/ week and we will stagger appointment times so there wouldn't be an increase of traffic it would just be one car dropping off and then a couple of hours collecting, and so on. Many thanks Natasha & David Barnes-Hutchinson."*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of development from that set out in the banner heading above to *'construction of a log cabin for dog grooming purposes'*. This is a more accurate description of the proposal and I have therefore considered the appeal on this basis.
3. The Council has identified conflict with the provisions of a list of acronyms and paragraph numbers in its reason for refusal. These are not linked to any

associated documents. Its submissions do however refer to corresponding policies of the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) and paragraphs within the National Planning Policy Framework (the Framework). I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is whether the site is a suitable location for the development having regard to the provisions of local and national policy.

Reasons

5. The proposed building would be positioned on despoiled land which forms part of a wider agricultural field. It is in a countryside location, surrounded by farms and a loose collection of nearby properties that are not part of any recognisable settlement. Nonetheless, the Council considers the appeal site is not isolated. It is submitted that the two nearest main towns would be around 8 miles away. In that context, the existing access to the appeal site would be gained off a long, narrow and unlit country lane which is in a poor, but passable condition. Moreover, save for the school bus, my observations were that public transport, walking/cycling to and from the appeal site would not be an inviting or likely option.
6. Policy TTV1 of the JLP sets out the Council's settlement hierarchy which is to focus new employment and housing on the main towns that provide a broad range of services. Beyond the towns and villages, economic development is only permitted where it would support the principles of sustainable development set out in policies SPT1, SPT2, DEV15, TTV1, TTV2 and TTV26 of the JLP. Additionally, amongst other things, policies DEV29 and DEV32 of the JLP promote sustainable transport choices and low carbon developments.
7. The aforementioned policies encourage and support opportunities for appropriate levels of employment uses and local community business growth in suitable locations. 'Suitable locations' are not defined within Policy DEV15 of the JLP. However, an overarching theme of the JLP and these policies is to promote sustainable development in locations that are well served by public transport and that provide walking and cycling opportunities.
8. In rural areas, Policy TTV26 identifies in part 2.iv that developments should respond to a proven occupational need that requires a countryside location. Part 2.v of this policy adds that the best and most versatile agricultural land should be avoided. Given the condition of the land the appeal building would sit within and its small scale, there would be no meaningful reduction in the quality of grade 3 agricultural land.
9. The development would be provided within a rural setting where dogs could spend the day after having been groomed. The associated outside space would enable a growing population of dogs to exhibit normal behaviour patterns during their stay, for the benefit of their welfare. Moreover, the scarcity of comparable services/jobs in the wider area and the appellant's specialism working with nervous dogs is acknowledged.
10. Notwithstanding the above and any local demand for the proposal, there is little reason why such a business could not operate from local centres or areas well served by access to public transport. Furthermore, the proposed business would not be fundamentally connected to the countryside in the same way

agriculture or forestry would be, for example. For these reasons, there is no compelling evidence that the proposed dog grooming business could only realistically operate from this countryside location. Therefore, although the appellant's need for their dog grooming business is not disputed, it has not been demonstrated that the proposal would need to be in a countryside location as required by part 2.iv of Policy TTV26.

11. The small scale business close to the appellant's home is intended to be run on a part time basis which they say would reduce overheads. This could have a positive effect on the proposal's overall viability, providing economic benefits. However, little evidence is submitted in this regard. In that context, the scheme would be likely to generate fewer trips by the appellant than those linked with two people travelling to work on a full time basis. As such, this element of the scheme would be likely to result in a very modest carbon reduction benefit.
12. The proposed collection and drop off service would go some way towards reducing the number of trips made using private vehicles travelling to and from the site. The use of a condition to restrict collections and drop offs would however be extremely difficult for the Council to enforce. Had I been minded to allow the appeal, it would not have been reasonable to impose such a condition.
13. Therefore, even though a small number of local residents would reduce their carbon emissions by using a closer service, it is likely that the majority of customers would be required to travel long distances by private vehicle to access the appeal site. Even if the collection and drop off service was well managed, this would still require the appellant to make numerous trips to and from the appeal site using a private vehicle.
14. The Framework recognises that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. However, it adds that it will be important to ensure that development does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
15. In that context, the effect of the proposal on the local roads would be acceptable. Even though the proposed business would not typically attract access by foot and to a lesser extent by bicycle, public transport availability would be poor. Furthermore, it has not been shown how any of these modes of transport could be improved. Moreover, being located well beyond existing settlements, the proposal would not be in the right place, and would therefore not represent sustainable development as set out within paragraphs 8 and 38 of the Framework.
16. Drawing these matters together, the appellant's efforts to reduce carbon emissions are acknowledged. Moreover, there would be no harmful reduction in best and most versatile land as set out in part 2.v of Policy TTV26. This, together with any of the aforementioned economic benefits would however not be sufficient to outweigh the conflict with the Council's overarching locational strategy and the JLP when read as a whole.

17. Therefore, I conclude that the site is not a suitable location for the proposed development having regard to the provisions of local and national policy. As such, there would be conflict with policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV15, DEV29 and DEV32.

Other Matters

18. I have paid regard to the appellant's family circumstances including their costs, distanced working and flexibility. These matters do not in themselves outweigh the harm I have found above. In any case, I have assessed the appeal on its planning merits.
19. The appellant has drawn my attention to a number of planning permissions. Application ref 3512/21/FUL relates to an established business, which is materially different to this proposal. The appellant's comments in respect of the retrospective nature of that planning permission are noted. However, I am not aware of the site specific circumstances that led to that permission. Moreover, I have determined this appeal based on the evidence before me and my own observations. I have therefore attached very little weight to that permission.
20. Application ref 1/0296/2022/FUL is materially different to this scheme in that it includes dog kennels at a location where a dog walking use had previously existed. Furthermore, that decision was made within a different Council where other policies may apply. Even though the Framework would apply to both schemes, I have afforded this permission very limited weight.
21. Application ref 3441/21/OPA relates to 17 holiday chalets. Notwithstanding the appellant's comments in respect of carbon emissions, that permission is not comparable with the appeal scheme. I therefore give it little weight.
22. There is a grade II listed building around 190m from the appeal site and consequently there is a statutory duty to pay special regard to the desirability of preserving the building or its setting. From the evidence before me it is apparent that this building is significantly separated from the appeal site by its distance, topography and intervening vegetation. As such, the appeal site does not affect its setting. Furthermore, neither party has raised any concerns in this respect.

Conclusion

23. For the reasons above, and taking into account all other matters raised, I conclude that the development fails 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