



Appeal Decision

Site visit made on 9 April 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/Y1138/W/23/3332755

Tall Trees, Lapford EX18 7HX

- 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 Mr and Mrs Brown against the decision of Mid Devon District Council.
 - The application Ref is 23/00277/FULL.
 - The development proposed is change of use of agricultural building to holiday let, with associated alterations and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. 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.

Reasons

3. The appeal site comprises a modest sized building within a small, fenced off parcel of undesignated land. This land, together with the surrounding large, expansive fields, forms part of an unlit, tranquil and isolated countryside landscape. Although public views of the appeal building, including from a nearby footpath are muted by hedgerows and the nearby trees, it is eminently visible from the adjoining road. It stands alone as a utilitarian rural building, divorced from any settlement.
4. Policy DM22 of the Mid Devon Local Plan 2013 – 2033, July 2020 (LP) is only supportive of the conversion of existing buildings for tourism development in the countryside where justified, minimising effects on the environment. It says that proposals must respect the character and appearance of the location and demonstrate that the need is not met by existing provision in nearby settlements. The supporting text refers to Policy S1 of the LP and explains that most development should be directed towards defined settlements where local shops and facilities are most accessible.
5. Policies S1 and S14 of the LP support the conversion of buildings in suitable locations and appropriately scaled, sustainable rural tourism. Collectively, and amongst other things, these policies and policies S9, S14, DM1 and DM4 of the LP promote the preservation and enhancement of the natural environment, including avoiding harmful effects of light pollution. Additionally, paragraph 88 of the National Planning Policy Framework (the Framework) says decisions

should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

6. The evidence shows that the proposed conversion and external alterations of the building to create a holiday let would provide a type of offer not found nearby. The rural nature of the accommodation would mean that any existing provision in Crediton for example, would not be comparable. Although the business plan lacks some detail, it still provides a proportionate breakdown of the scheme's anticipated longer-term viability. Some economic justification for the proposal has therefore been demonstrated.
7. However, whilst parking could currently take place on site with the plans showing an existing hardstanding, I observed that areas surrounding the appeal building were laid to grass. In that context, the proposed scheme would introduce a domestic pergola, patio, solar panels and regular comings and goings linked to residential occupancy. Consequently, the eye would be drawn to the development. Although the carbon reduction benefits are acknowledged, I agree with the Council that these factors would have a harmful urbanising effect on this tranquil countryside location.
8. The proposed openings would be generous but of a similar scale to the existing arrangement. Nevertheless, despite their orientation, more light would emanate from them. Moreover, part of the business case for the scheme is that it would provide a remote space for holiday makers. The proposed external alterations and layout of the appeal site would facilitate this. Consequently, it would be unusual for these outdoor spaces to remain unlit. Collectively, the amount of light spill generated from the scheme would be very likely to exceed an agricultural use, if operational. Although modest and limited to hours of darkness, the effects on the quality of the largely undisturbed light environment would be harmful.
9. Whilst landscaping would go some way towards screening the development, for the above reasons, this would not sufficiently mitigate against the overall harm to the character and appearance of the area. The use of a planning condition would therefore not be appropriate.
10. Drawing these matters together, the economic benefits of the development are acknowledged. However, these would not be sufficient to outweigh the harm to the character and appearance of the area. Thus, there would be conflict with the Council's overarching tourism strategy and the development plan, when taken as a whole.
11. 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 S1, S9, S14, DM1, DM4 and DM22 of the LP. There would also be conflict with paragraph 88 of the Framework.

Planning Balance and Conclusion

12. My attention has been drawn to potential fallback positions. It is claimed that development could be carried out under Schedule 2, Part 3, Class R and Part 6 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. In these circumstances it is not appropriate for me to decide whether the appellant might be able to rely on permitted development

rights as a fallback. This can only be formally determined by a lawful certificate application.

13. Nevertheless, the evidence submitted in respect of the status of the current use of the appeal building is contradictory. Very little information has been provided to demonstrate the scheme would fully comply with the limitations of Class R. As such, it cannot be relied upon as a realistic fallback. Even if it could, the appeal proposal would result in additional built form. This would be more harmful than any development permitted under Class R.
14. In respect of Part 6, I have been provided with little information about the scale and status of the land. Therefore, I cannot be certain that the permitted development right could be exercised. If a hardstanding could be implemented, this would be less harmful than the cumulative extent of external alterations proposed by this scheme.
15. In the absence of any substantive evidence to the contrary, I afford little weight to the fallbacks.
16. 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