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# Appeal Decision

Site visit made on 22 March 2024

**by C Carpenter BA MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 April 2024**

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**Appeal Ref: APP/P1133/W/23/3332627**

**Homefield, Ideford, Chudleigh, Devon TQ13 0BH**

- 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 Steven Morrell against the decision of Teignbridge District Council.
  - The application Ref is 23/00735/FUL.
  - The development proposed is change of use of land within red line boundary to extend residential curtilage and construction of a garage and implement store.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I note the typographical error in the Council's decision notice, which should read 'horsicultural' rather than 'horticultural'. I assume 'horsicultural' is intended to refer to activity associated with the keeping of horses.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, insofar as the contents are relevant to this appeal, the Framework has not changed. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on the revised Framework.
4. I understand the Council is preparing an emerging Draft Local Plan. I am not aware of the exact stage this has reached, the extent of unresolved objections or whether its policies will be considered as consistent with the Framework. Consequently, in accordance with paragraph 48 of the Framework, I give it little weight.
5. I understand the entrance driveway that I observed at the appeal site is the subject of a separate, retrospective planning application (Reference 23/01202/FUL) that was pending consideration at the time the Council took its decision on the planning application subject of this appeal. I am not aware of the outcome of this application and give it minimal weight in the appeal.

## Main Issues

6. The main issues are the effect of the proposal on:
  - the character and appearance of the surrounding landscape; and
  - the supply of agricultural land.

## Reasons

### *Character and appearance*

7. The appeal site is in the countryside for planning policy purposes. Policy S22 of the Teignbridge Local Plan 2014 (TLP) limits development in the open countryside to five types of use, necessary to meet the overall aim of providing attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. The Policy also states that, in assessing development proposals, particular account will be taken of the distinctive characteristics and qualities of Landscape Character Areas (LCA).
8. There is no suggestion the proposed development would fall within any of the types of use listed in TLP Policy S22.
9. The site lies within the Haldon Ridge and Foothills designation of the Devon Character Area, which the Council also identifies as an Area of Great Landscape Value. According to the Council, Haldon Ridge is one of the most prominent landscape features within Teignbridge and has been assessed to have high landscape character and high visual sensitivity. On the evidence before me, I see no reason to disagree with this assessment. The overall strategy for the LCA is conservation, enhancement and restoration.
10. The dwelling at Homefield is on relatively high ground and, along with the stable block, is one of few buildings in the immediate area. The rest of the site falls away towards a valley, with panoramic views across the opposing hillside. The appeal site is therefore prominent within the surrounding landscape, which comprises a patchwork of open fields and woodland. The predominant impression of the wider Homefield site is of green pasture, despite the wide sweep of the new driveway. Consequently, the site's appearance makes a positive contribution to the character and value of the surrounding landscape.
11. Even if I take the appellant's figures, the proposed development would increase the curtilage of the existing dwelling by more than 50 per cent to encompass the driveway and a substantial area below the location of the former barn. The latter would be laid to lawn and, with the grassed area next to it, would become part of the garden of the house. Therefore, with the garage and new parking spaces, the area of land taken up by domestic paraphernalia, hard surfaces, and the comings and goings associated with a residence would be substantially larger than at present.
12. I accept the development would be largely screened from Hestow Road by the hedge at the top of the site. However, it would be clearly visible in views from within and across the valley. Consequently, whether or not the extended curtilage would be in proportion with the existing dwelling, the changed appearance of the appeal site would erode the character and value of the surrounding landscape and thereby of the wider LCA.
13. The fact that the earlier barn was dilapidated is of little consequence bearing in mind the new garage would be developed on a different part of the site. I recognise the form and mass of the garage would be subservient to the host dwelling and broadly compatible with its agricultural surroundings. I further accept appropriate materials could be agreed via condition were the appeal to be allowed. Nevertheless, these factors would not outweigh harm arising from the increase in area of residential curtilage proposed.

14. The proposed addition of native planting around the perimeter of the development could also be secured by condition were I to grant planning permission. However, there is little compelling evidence to persuade me this would effectively minimise the adverse visual impact of the proposal, particularly when seen in long views. Restriction of development of additional buildings via condition would also do little to mitigate this harm.
15. TLP Policy WE8, referred to by the appellant, applies to minor developments within residential curtilages. The proposed development in this case seeks to extend the existing residential curtilage and erect an outbuilding within this extended area. Therefore, Policy WE8 is not directly relevant to this main issue. In any event, the Policy requires development not to compromise the quality of the surrounding landscape. This requirement would not be satisfied by the proposal for the reasons given.
16. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding landscape. This is contrary to TLP Policy S22. It is also contrary to TLP Policy EN2A, which requires development to be sympathetic to and help conserve and enhance the natural and cultural landscape character of Teignbridge, in particular in Areas of Great Landscape Value. It is also contrary to the Framework, which requires development to be sympathetic to local character, including the surrounding landscape setting, and to protect and enhance valued landscapes.

#### *Supply of agricultural land*

17. According to the Council, the land proposed to be included within the extended residential curtilage of Homefield is classified as best and most versatile (BMV) agricultural land. On the evidence before me, I see no reason to doubt this classification.
18. Whether or not the land in question is used for agricultural purposes at present, its proposed change of use to become part of a residential curtilage would reduce the supply of BMV agricultural land.
19. I recognise the farrier, vet and cremator need access to the land for the welfare of the horses, and that the field needs to be maintained. However, there is no compelling evidence to demonstrate that development in the form proposed is necessary to achieve these outcomes. The fact that the two access points on the highway are long established does not in itself provide sufficient justification for the proposed change of use.
20. For the above reasons, I conclude the proposal would have a harmful effect on the supply of agricultural land. This is contrary to TLP Policy S22, which limits development to uses necessary to meet the overall aim of providing attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. It is also contrary to the Framework, which requires planning decisions to contribute to and enhance the natural and local environment by recognising the economic and other benefits of the BMV agricultural land.

#### **Other Matters**

21. I acknowledge the appellant's carbon reduction statement and surface water management plan. However, these considerations are insufficient to outweigh the harms I have identified.

22. There is little evidence to demonstrate the proposed layout of the driveway, turning areas, parking spaces and garage is the only way to provide safe access for deliveries and servicing of the septic tank, or level access for visitors with mobility constraints. I am therefore unpersuaded by these arguments.
23. I note the appellant's intention to reside at the property for many years and that they want a garage and storage to meet their living requirements. However, little weight can be attached to such personal circumstances.
24. I recognise the appeal proposal is a resubmission taking into account issues previously raised by the Council. Nevertheless, I can only assess the current proposal based on the information before me.

### **Conclusion**

25. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

*C Carpenter*

INSPECTOR