



Appeal Decision

Site visit made on 12 June 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH June 2024

Appeal Ref: APP/U1105/W/23/3331844

Parmiters, Road from Five Barrow Gate to Hartgrove Farm, Combyne, Devon EX13 8TE

- 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 Charlotte Macadam against the decision of East Devon District Council.
 - The application Ref is 23/1477/FUL.
 - The development proposed is described in the application as "*change of use of land from garden/orchard to extend the residential curtilage of adjacent house (Parmiters).*"
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above and in the application form includes wording that is not an act of development, as 'curtilage' does not relate to a use of land. Additionally, it is not for me to define what is and is not curtilage. It is however clear from the evidence that the appellant wishes to change the use of the land to residential garden. This is reflected in the Council's decision notice, and I have therefore dealt with the appeal on this basis.
3. It is claimed that the appeal site has never been used for agriculture; rather that it has been used as a garden for exercising dogs, by children, as well as for family horses to graze occasionally. Whilst noting the appeal site's history, it is not appropriate for me to make a finding on the lawful status of the land. This can only be formally determined by a lawful certificate application.
4. The appellant refers to economic, social and wellbeing benefits and their need to site what they describe as a mobile structure on the appeal site. Whilst these matters are acknowledged, they are not relevant to this appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site comprises an attractive parcel of level land in the countryside. It is bound by established trees and hedgerows that reduce visibility into it from public vantage points. Described as an orchard, the appeal site includes several trees set amongst cut lawns and a small barn that I observed contained

logs and hay bales. These features add to the traditional rural character of the appeal site that is located within a National Landscape (NL).

7. In such areas, Strategy 46 of the East Devon Local Plan 2013-2031 (LP) and paragraph 182 of the National Planning Policy Framework (the Framework) attach great weight to conserving and enhancing landscape and scenic beauty. Furthermore, Strategy 7 of the LP only permits development in the countryside where it would not harm the distinctive landscape qualities within which it is located.
8. Adjoining one of the boundaries of the appeal site is an access track that leads towards a parking area and stable building. On the far side of this track, beyond a further hedgerow and trees, is the host property. This has its own principal entrance that leads to the house and its sizeable, yet proportionate garden. In that context, there is little evidence the garden is untypically small. Although nearby, the host property and its garden are physically severed from the appeal site by this track.
9. The appellant intends to widen a cut through from the host property to the appeal site. Even so, the proposal would remain largely self-contained. This, together with the intervening hedgerows, outbuildings and the track means that further residential garden here would not be read as being part and parcel of the host property. Consequently, it would be out of place. This would be the case even if one of the existing roadside access points were to be stopped up.
10. The intention of the current owner would be to leave the land undeveloped. However, a residential use would mean that future occupiers may wish to introduce structures, buildings or hardstandings, along with all manner of domestic paraphernalia to the appeal site. Notwithstanding the presence of other buildings and properties in the area, this would undermine the appeal site's undisturbed and distinctive landscape qualities.
11. Furthermore, by allowing the appeal, the use of land would be permanent. Therefore, even if further landscaping were to be introduced, over the course of time, screened fence panels or vegetation within or outside the appeal site may be removed or cut back. For the above reasons, despite current glimpsed views into the site, it would be likely that a more intensive urbanising effect would ensue. As such, the landscape and scenic beauty of the NL would not be conserved and enhanced. This is something that must be afforded great weight.
12. Therefore, I conclude that the proposal would cause harm to the character and appearance of the area. The proposed development would be in conflict with Strategies 7 and 46 of the LP. There would also be conflict with paragraph 182 of the Framework.

Other Matters

13. I have paid regard to 3rd party comments in respect of the government support for growth and the cost of housing. However, these have little bearing on my decision which is based on the main issue above.
14. The appellant says that the proposal would not give rise to adverse effects on the living conditions of neighbours. There is no dispute over this matter, and I find no reason to disagree.

15. The appellant references policies D1 and D2 of the LP. However, there is no substantive evidence to demonstrate compliance with these policies.

Conclusion

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