



Appeal Decision

Site visit made on 5 June 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/Q1153/W/23/3332182

Willowdene, Bratton Clovelly, Okehampton EX20 4LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Braidwood against the decision of West Devon Borough Council.
 - The application Ref: 2590/23/FUL, dated 27 July 2023, was refused by notice dated 9 October 2023.
 - The development proposed is described as an ancillary domestic timber studio building.
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Decision

1. The appeal is allowed and planning permission is granted for an ancillary domestic timber studio building in accordance with the terms of the application Ref: 2590/23/FUL, dated 27 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Exe/1 Site location plan; Dwg Exe/2 Studio outbuilding; and Dwg Exe/3 Studio at Willowdene.
 - 2) The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Willowdene, Bratton Clovelly, Okehampton EX20 4LB.

Applications for Costs

2. An application for costs was made by Mr and Mrs Braidwood against the decision of West Devon Borough Council. An application for costs was also made by West Devon Borough Council against Mr and Mrs Braidwood. These applications are the subject of separate decisions.

Preliminary Matters

3. The proposed development has taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
4. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works or the continuation of a use. I have therefore not included the words '*retrospective application for*' in the description of the proposal as was the case with the description on the application form.

Main Issue

5. The main issue is whether the appeal proposal would be suitably located and appropriate having regard to its siting, scale and use.

Reasons

6. The appeal proposal relates to a single storey building which accommodates a studio with adjacent store, alongside a covered deck area and timber arbour. The external materials consist of grey timber cladding, a black felt tile roof and timber fenestration.
7. The building is located on agricultural land close to Willowdene's vehicular entrance which serves an associated access track which leads towards the property. The access track runs in a broadly parallel route to the adjacent highway to the north for circa 60m in a westerly direction from the appeal proposal, before accessing onto a parking area to the eastern side of Willowdene. There is as a result, a degree of physical detachment between the appeal proposal and the host dwelling.
8. Where there are concerns that a self-contained ancillary use would be unlikely to be ancillary and so would, in reality, be used as an independent/separate dwelling this may give rise to concerns regarding the principle of the development in rural locations such as this, whereby countryside policies such as Policy TTV26 of the Plymouth and South Devon Joint Local Plan 2014-2034 (the JLP) are relevant and seek to prevent new dwellings.
9. However, on the completed application form, the appellants stated that the proposal would not include the gain, loss or change of use of residential units. The appellants have thereafter stated on the application form that the proposal would involve the loss, gain or change of use of non-residential floorspace, and explained that the proposal would relate to an '*Ancillary studio to dwelling.*'
10. It seems apparent to me from my review of all of the information presented, such as what is set out on the application form, the proposed plans and what I observed during my site visit, the use of the appeal building before me is to provide for a studio and store adjunct to the appellant's home. The building is also of a restrictive size, without the typical facilities for day to day occupation, such as a bathroom, kitchen, or similar. Therefore, I am satisfied that the appeal proposal relates to an ancillary building, rather than a self-contained ancillary use. If the building was to provide for self-contained accommodation in the future, it would require a separate grant of planning permission, or the use would be at risk of enforcement action if such permission is not granted.
11. On the above basis and turning to my considerations as to whether the appeal proposal is suitably located and appropriate having regard to its siting, scale and use, as I noted during my site visit the appeal building is located at a point opposite the domestic entrance to Willowdene, which is the only point of vehicular access to this property and is evidently long established. The appeal building also has an evident association with the access track and the associated domestic activity that exists. It is therefore associated with these characteristics, rather than appearing detached from them.
12. The Council have raised no objections on character and appearance matters, and from all that I observed during my site visit, I agree. The appearance and modest scale of the building assimilates well into the surrounding context, it

appears as a typical domestic garden room type structure, which is not unusual for a property like Willowdene.

13. As a result, I am satisfied that the appeal building is acceptable, due to its scale, appearance, siting and use. It provides for a subservient and ancillary building to the host dwelling, the use of which can be controlled via a planning condition. It does not appear unusual or out of place within its surroundings.
14. Therefore, I find no conflict with Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV10 of the JLP, which amongst other matters, set out the overarching settlement strategy for the area, which focuses development on the main towns, with development in hamlets and the countryside, being permitted where it would support the principles of sustainable development and protect the special characteristics and role of the countryside.

Conditions

15. As the proposal is retrospective, a commencement condition is not required. In order to provide certainty as to what has been permitted, I have imposed a condition specifying the relevant drawings.
16. The Council has suggested a condition requiring that the building can be used for purposes ancillary to the residential use of the main dwelling only, I have used a revised wording to the suggested condition.

Conclusions

17. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR