



Appeal Decision

Site visit made on 25 June 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2024

Appeal Ref: APP/Y1110/W/23/3331163

Dreamland Stables, Church Hill, Exeter, Devon EX4 9JL

- 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 Jackson against the decision of Exeter City Council.
 - The application Ref is 22/1598/FUL.
 - The development proposed is replace stables (approved for conversion to dwelling, ref. 21/1045/FUL) with new dwelling and associated works including landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the Council's decision notice refers to the conversion of stables to dwelling. It is however clear from the evidence that the application was determined on the basis that the scheme seeks to replace the stables with a new dwelling. This is set out in the application form and the banner heading above. I have determined the appeal on this basis.

Main Issues

3. The main issues are (i) whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy; and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The appeal site comprises an existing stable building in an exposed countryside location at the end of an unmade road. I did not observe any public transport routes in the area. There is a farm nearby, but it is physically separated from any settlement. With reference to paragraph 84 of the National Planning Policy Framework (the Framework), the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Therefore, the site is "isolated".
5. In that context, the Framework says that decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work; or the development would re-use redundant or disused buildings. Amongst other things, Policy LS1 of the Exeter Local Plan First Review, March 2005 (LP) sets

out similar restrictions for proposals that would affect the landscape setting of the city. It is said that limited weight is afforded to this part of the policy. Even so, there is no dispute between the parties that none of the restrictive circumstances set out in Policy LS1 of the LP or the Framework apply to the appeal proposal.

6. The Council's housing strategy is contained within Policy H1 of the LP. This sets out a sequential search that prioritises previously developed land and growth in urban areas, followed by the urban fringe and finally, greenfield land through sustainable urban extensions within public transport corridors. There is little evidence that the appeal site falls within any of these search areas. As such, the development would be in conflict with Policy H1 of the LP.
7. I therefore conclude on this main issue that the site is not a suitable location for the proposed development having regard to the provisions of local and national policy. For the above reasons, there would be conflict with policies H1 and LS1 of the LP; and paragraph 84 of the Framework.
8. My attention has been drawn to a potential fallback position relating to a previous permission on the site, the implications of which I shall deal with later.

Character and appearance

9. Despite its close proximity to Exeter, the appeal site is located in a strong rural setting that is characterised by its rolling irregular fields, hedgerows, and woodland. These features add to an overall sense of tranquillity that can be experienced via a public footpath that runs adjacent to the appeal site boundary. In that context, it is within an area described as being of high landscape sensitivity.
10. The proposal would replace a stable building that is of typical design and scale for this rural setting. Despite its varying roof heights, it is largely a low-level building of timber construction. Consequently, the eye is not drawn to it. With a footprint over 50% larger than the existing building, the 'T' shaped design of the property would include a very large central projection and covered seating area.
11. Furthermore, despite the proposed material finishes that would soften its appearance to a modest extent, the building and its surrounding patios would significantly encroach into the adjoining field. This, together with its massing, height, and the numerous fenestration openings, would create an unusually prominent feature in a highly visible and sensitive area. Efforts made to maintain an agricultural architectural language, as described by the appellant, are acknowledged. However, for the reasons given, the property would be overtly domestic in its appearance.
12. Additionally, the proposed garden would cover a disproportionately large area of field where I observed sheep were grazing. Whilst some garden paraphernalia such as washing lines would be more likely to be positioned close to the building, the use of land for a residential purpose would allow for a broad range of items to be placed anywhere on the appeal site. Despite the wider land being within the appellant's ownership and enjoyed by them, the formalised and permanent use of this land would have an urbanising effect over a substantial area. This would be at odds with the undisturbed landscape.

Given the excessive size of the proposed garden, its harmful effects on the area could not be mitigated by the suggested use of landscaping conditions.

13. 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 policies CP4 and CP16 of the Exeter City Council Core Strategy, February 2012 and Policy LS1 of the LP. Collectively in this respect, and amongst other things, these policies seek to protect and enhance environmental assets and local identity, where residential development achieves the highest appropriate density compatible with the character and quality of the local environment. There would also be conflict with paragraph 180 of the Framework which says that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Other Matters

14. As mentioned earlier, my attention has been drawn to an extant planning permission at the appeal site for the conversion of the existing stable to a dwelling. There is no dispute between the main parties that this represents a realistic fallback. There is no reason this would not be implemented.
15. The appellant claims that the proposal represents a 'betterment' when compared with the fallback. In that context, the Council agrees that the proposed dwelling would be of a better build quality. This, together with the proposed EV charging and extra solar panels would represent modest additional beneficial features. These would reduce the scheme's overall carbon effects, when compared with the fallback.
16. It is not contested that matters of biodiversity, parking, and the effect on the living conditions on nearby neighbours represent neutral factors in the overall comparison between schemes.
17. The appellant claims that the larger garden area could incorporate a much more extensive landscaping scheme. Even so, I have already concluded above that the proposed garden area is excessively large and would have an urbanising effect that could not be mitigated using an appropriately worded landscaping condition. Furthermore, the evidence shows that the permitted garden would cover a far smaller area and would include a new hedge around its site boundary. For these reasons, and in this respect, the fallback would be less harmful.
18. The Council says that the scheme would result in an improved design when compared with the fallback. In the absence of any detailed elevational plans, I find no reason to disagree. However, this does not mean that its contribution to the landscape setting would be improved, as asserted by the appellant. The proposed increase in scale and massing, over a significantly larger footprint would result in a substantially more prominent and harmful building. A small part of the fallback's ridge would be taller than that of the proposed scheme. However, when taken as a whole, the proposed building would be measurably more prominent. For the reasons given, despite the aforementioned benefits, the fallback would be less harmful than the proposed development.
19. The appellant has submitted examples of schemes of greater scale and contemporary design that have been granted planning permission within the same landscape setting area. However, none of these are in the same location

as the appeal site and are therefore materially different. Furthermore, I am not aware of their site-specific circumstances. Whilst the Council permitted the replacement dwellings, I am not bound by these decisions. In any case, I have assessed this proposal on the evidence before me and my own observations.

20. I have paid regard to the appellant's comments in respect of the processing of the planning application. However, this has no bearing on my decision which is based on the planning merits of the proposal.

Planning Balance

21. The Council says it is unable to demonstrate a 5 year supply of deliverable sites. Paragraph 11 (d) of the Framework indicates that in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The site is within an area where the evidence shows that adverse impacts of residential development on the Exe Estuary Special Protection Area can be satisfactorily mitigated through a CIL payment. Therefore, any such impacts from the development do not form a clear reason for refusal.
23. The housing land supply position means that LP Policies LS1 and H1 are deemed to be out-of-date. Despite the conflict with national policy in respect of isolated homes in the countryside, the fallback is a material consideration that can be afforded significant weight. Therefore, in respect of this matter, I have attached the conflict with these policies very little weight.
24. The proposal would make a positive contribution to the supply of housing, albeit a fallback exists, and the benefits of a single dwelling would be very modest. It would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. Additionally, the proposal would deliver a sustainably constructed property that would reduce carbon emissions. There would also be some biodiversity enhancements.
25. However, the proposal would give rise to substantial harm to the character and appearance of the area. This harm would significantly and demonstrably outweigh the benefits. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

26. 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

