

Appeal Decision

Site visit made on 17 September 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/P1133/W/24/3342778

**Court Grange Offices (Ormsby Barn), Court Grange, Abbotskerswell
TQ12 5NH**

- 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 Carl Throgmorton of WIMS (UK) LTD against the decision of Teignbridge District Council.
 - The application Ref is 24/00261/FUL.
 - The development proposed is described as "retrospective planning application for additions and alterations to building and use as C3 dwellinghouse and Class E(g)(i) office (live-work unit)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that work began in February 2022 and at the time of my visit I saw that the internal and external works to the appeal building were complete. It is noted that the application has been dealt with retrospectively. I have dealt with the appeal on that basis.
3. The appellant queries whether the Council can demonstrate a 5 year supply of housing and relies on an appeal decision¹ at Tollgate Farm from 2021. They say that as the position has not been subsequently tested at appeal it cannot be relied upon. Nevertheless, the Council has updated its position since the appeal with figures based on a situation as of 1 April 2024. This shows a housing supply of 6.75 years. I have been provided with no evidence to challenge this 2024 figure. Consequently, I have determined the appeal on the basis that a 5 year supply is in place.

Main Issues

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

¹ APP/P1133/W/21/3273012

Reasons

Location

5. The appeal site is located outside any settlement and is therefore in the countryside, as defined in the Teignbridge Local Plan 2014 (LP). In such areas, LP Policy S22 says that development will be strictly managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements, and a resilient rural economy. The policy restricts development to certain circumstances such as business, leisure, tourist uses, affordable housing or necessary rural workers. LP Policy WE9 provides detailed criteria for compliance with proposals for rural worker's dwellings, though it is noted that this has not been applied for. The appellant accepts the scheme does not comply with any of the restricted circumstances in the aforementioned policies. In this respect, there is conflict with LP policies S22 and WE9, which represents harm.
6. Paragraph 84 of the National Planning Policy Framework (the Framework) says, amongst other things, that decisions should avoid isolated homes in the countryside unless there is a need for a rural worker, or the development would re-use redundant or disused buildings and enhance its immediate setting. With reference to the Braintree judgement, it has been put to me by the appellant that the appeal building is not 'isolated' due to the proximity of development in the near vicinity. Although not immediately adjacent, there are indeed nearby buildings, and the settlement of Abbotskerswell is relatively close, as the crow flies. That being the case, the circumstances for allowing isolated homes in the countryside, also raised in an appeal at Rebecca Springs², does not apply to this appeal. Accordingly, the evidence does not convincingly demonstrate that the LP is inconsistent with the Framework in this respect.
7. It is acknowledged that the proposal makes use of previously developed land and includes a small element of office space to consolidate the appellant's existing arrangements. However, based on the plans and my own observations, the dedicated office spaces are an intrinsic part of the wider living accommodation, akin to ordinary home working provision. Even if the mixed use could be conditioned, it is important that development is located in the right places where LP Policy S22 and the Framework collectively seek opportunities to promote sustainable settlements, transport modes and a resilient rural economy.
8. In that context, there is a good range of nearby services and facilities, including a bus stop with onward journeys to larger settlements. While the appeal site is within a standard walking distance, the access route is partially via a very steep, unlit, and narrow path. This would not be easy to negotiate for persons with reduced mobility or those with prams. Neither would it be a realistic or inviting route for pedestrians or cyclists to navigate on a regular basis, particularly during dark or inclement weather conditions. It would not be suitable for everyone.
9. As such, occupants are likely to be largely dependent on private vehicles for access to services and facilities to meet their day-to-day needs, which does

² APP/P1133/W/21/3272981

not provide for sustainable settlements or a resilient rural economy. For these reasons, there is conflict with the LP countryside strategy. As the proposal does not accord with the identified LP policies, the final paragraphs of LP S1A are not engaged.

10. Therefore, I 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 and the accessibility of services and facilities. For the above reasons, the development conflicts with policies S22 and WE9 of the LP. There is also conflict with paragraph 83 of the Framework which says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Character and appearance

11. The appeal site comprises a modern building set over 2 storeys within a large plot that is surrounded by landscaped hedges. These surroundings reduce its overall visibility from wider public vantage points. It is not on designated land, though is within a parkland setting that is characterised by its impressive collection of trees, some of which are recognised by their inclusion in Tree Preservation Orders. There are nearby buildings of simple utilitarian form set at a lower level, with larger scale properties beyond and closer to the settlement. These are visually disconnected from the appeal building by the topography and winding access approach.
12. It is understood that the appeal building was previously a stable of modest scale and simple form. The plans show that significant extensions to the front, rear and roof have been made. The centrally positioned box dormer extends unevenly over both sides of the roof pitch and is surrounded by extensive glazed balconies above the flat roof extensions. While the cladding is not objectionable, and the building is constructed to a high specification, these design features create a very unusual external appearance. Its unbalanced roof form and balcony arrangement are devoid of any cohesive symmetry. The form and design bears little resemblance to any typical rural or other building found in the vicinity.
13. Consequently, despite its effects being largely confined to the site area, the eye is drawn to it as an incongruous feature. It does not add to the overall quality of the area or enhance the natural and local environment as set out in paragraphs 135 and 180 of the Framework. Additionally, even if paragraph 84 c) of the Framework were to apply, the development does not enhance its immediate setting.
14. As such, the development conflicts with LP policies S1, S2, and EN2A, which, together in this respect, seek to promote high quality design that responds to site characteristics and maintains or enhances the character or appearance of the surrounding area.

Other Considerations

15. My attention has been drawn to a potential fallback to convert a previous office to a dwelling under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. The appellant agrees that prior approval is not possible retrospectively. There is therefore no

realistic fallback. Even if a previous iteration of the building could have been converted to a dwelling, the development as proposed is larger and more harmful. I give this matter very little weight in favour of the proposal.

16. I have paid regard to the planning history, including an unimplemented permission for modern alterations to the appeal building. However, this has no bearing on my decision which is based on the planning merits of the proposal.
17. The scheme would make a very modest contribution to the overall supply of homes, drawing various contributions to support local infrastructure. Additionally, it would increase spend in the locality through residential occupation and the availability of commercial space. These are moderate benefits. In respect of climate change, there are benefits associated with re-use of existing buildings.

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
19. I have concluded above that the proposal conflicts with the development plan, when taken as a whole. Furthermore, even when considered cumulatively, the weight given to the other considerations does not outweigh the identified harm. Accordingly, other considerations do not indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed.

J Hills

INSPECTOR