



Appeal Decision

Site visit made on 12 September 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/U1105/W/24/3345084

**Land opposite Grange Farm, Brooklands Cross, Newton Poppleford
EX10 0BY**

- 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 Stephen Hartwell against the decision of East Devon District Council.
 - The application Ref is 24/0525/COU.
 - The development proposed is a change use of land to a residential garden.
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Decision

1. The appeal is allowed and planning permission is granted for the change use of land to a residential garden at Land opposite Grange Farm, Brooklands Cross, Newton Poppleford EX10 0BY in accordance with the terms of the application, Ref 24/0525/COU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plan: Location Plan.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no fences, gates, walls or sheds shall be erected on the site without the prior express consent of the Local Planning Authority.

Preliminary Matters

2. The description of development as provided on the application form is very lengthy and goes beyond what is necessary. I have therefore only used the first sentence as it adequately describes the proposal.

Main Issue

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

Reasons

4. The appeal site is a small area of greenfield land close to the village of Newton Poppleford, and within the East Devon National Landscape (NL). The immediate surroundings are very rural, and the area is predominantly characterised by rolling green fields with some sporadic development including the residential dwellings adjacent to the appeal site. These characteristics are

reflected within the description of the wider area contained within The East Devon and Blackdown Hills Landscape Character Assessment.

5. The site itself is well contained by mature hedgerows and other planting. However, it is undeveloped, and as such, its openness and verdancy ensure that it contributes positively to the character of the area.
6. A previous proposal for a dwelling on the site was dismissed at appeal¹. However, a change of use from agricultural land to a residential garden is clearly very different. In particular, the proposal before me would not involve the provision of any built form on the site. It is inevitable that the use of the site as a garden would involve the siting of some domestic paraphernalia, and I noted on my site visit that the grass had already been cut short to effectively form an expanse of lawn area. However, in my view, none of this would change the fundamental openness and verdancy of the site to an extent that could constitute harm, including to the scenic beauty of the NL. Indeed, given the site's close proximity to existing dwellings, its domestic use would not appear incongruous or out of keeping.
7. In any event, given the extensive planting on the boundaries of the site, any views of it from public spaces are very limited. I acknowledge that the appellant has already changed the gate at the site entrance, and that this may have involved the removal of a very small section of hedgerow. A small gravel area has also been put in place to allow parking for a vehicle. However, these are very minor changes in the context of the wider surroundings, and again I do not conclude that they result in harm. I also do not consider that allowing this appeal would make it difficult for the Council to refuse any future applications for garden related development on the site. Any such applications would need to be considered on their merits. Nevertheless, a condition can be imposed to ensure that all such schemes must be approved by the Council.
8. As such, I conclude that the development would not result in harm to character and appearance. It would therefore conform with Strategies 7 and 46, and Policy D1 of the East Devon Local Plan, 2016. Taken together, the relevant aspects of these policies seek to preserve character and appearance, including the scenic beauty of NL's. It would also conform with Paragraph 182 the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty within NL's.

Other Matters

9. The site is regarded as Grade I agricultural land. However, it was apparent from my site visit that it has not been used for this purpose for quite some time, and from the evidence before me, it appears highly unlikely that it would return to agricultural use in the near future, even if this appeal were to fail. Furthermore, the small extent of the site means that it could make no meaningful contribution to food production. I therefore afford this issue little weight.
10. There is no substantive evidence before me to suggest that the use of the site as a domestic garden would have unacceptable impacts on traffic, wildlife or the living conditions of nearby residents. While there may be archaeological interest in this area, the proposal does not propose any built form and so such

¹ Appeal ref: APP/U1105/A/14/2223795

matters are not relevant. Finally, the fact that the site might be some distance from the appellant's dwelling is not an issue that leads me to make a different decision.

Conditions

11. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. In addition, I have found it necessary to impose a condition requiring any works to be approved by the Council in order to preserve character and appearance.

Conclusion

12. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR