



Appeal Decision

Site visit made on 28 October 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/Y1110/W/24/3337298

Fernleigh Nurseries, Ludwell Lane, Exeter, Devon EX2 5AQ

- 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 A Sansom against the decision of Exeter City Council.
 - The application Ref is 23/0589/FUL.
 - The development is described as 'proposed conversion of existing nursery building/garage to a dwelling.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises garages and a store building associated with a nursery. While there are dwellings in the immediate vicinity, those are close to the lane and at the lower part of this valley. Whereas the appeal buildings are on rising ground, and are grouped with other non-residential buildings, including a commercial glasshouse and additional outbuildings to the rear. This collection of buildings is edged by rough grassland, and with an elevated position, the appeal site has a relatively open aspect. In these regards, the buildings are visually distinct from the few existing domestic properties along Ludwell Lane.
4. The site is in Ludwell Valley Park, which is one of seven Valley Parks that form part of the Exeter Green Infrastructure Network. This Park is predominately grassland, divided into a small field pattern bounded by hedges, with the occasional pocket of woodland. With these verdant features and limited built forms, the area has a positively rural character.
5. The Park is crossed by a number of footpaths, and close to the edge of Exeter, it is reasonably accessible open space that provides a pleasant sense of nature that positively contrasts with the neighbouring urban area. Also, with limited development and fringing the city, the Valley Park is an attractive landscape setting for this part of Exeter.
6. The appearance of the buildings, subject of this appeal, would improve with maintenance. However, even in their current state, as relatively low profile buildings with a distinct functional aesthetic and largely surrounded by rough

grassland, they appear relatively neutral features in this essentially rural landscape when viewed in the wider setting.

7. The proposal would convert the garage and store to a dwelling, with hardstanding at three elevations, that would include space for bins and bikes. Hardstanding may already exist at the access to the buildings, but this feature is not currently evident around other parts of the structures.
8. The proposed hardstanding areas have been reduced in comparison to a previous proposal at the appeal site. However, the hardstanding proposed in this case would still result in a significant visual change in this area. Moreover, as these areas connect to French doors at the rear of the dwelling, future occupants would likely extend them overtime. Indeed, this is a family sized dwelling, and it would be unreasonable to restrict them from doing so, as future occupants should reasonably expect to be able to sit and enjoy their outside space. For this reason, a condition to address this matter is unlikely to satisfy the tests set out in national guidance.
9. Also, the conversion would involve the creation of a rear garden, comprising a lawn enclosed by hedges. There would also be soft landscaping at the front of the dwelling. With these features and layout, the development would appear distinctly residential.
10. The proposed hedging would be a Devon hedge. While such boundaries are not uncommon in this locale, usually they are seen at the edge of fields and generally associated with agricultural uses. In this case the proposed hedge would enclose a small section of existing grassland, and the resultant garden would be located centrally in a wider field. In this position, this traditional boundary treatment would appear an oddity. Also, the proposed vegetation at the front would include an oak tree. While this is a locally common species, these natural features are usually located at field edges and in woodlands as opposed to in the centre of an open space.
11. The above oddities would be incorporated into an overtly domestic arrangement, and this would be out of keeping with this rural setting. The development would be screened by the dwellings to the front and by existing hedges in the immediate setting, such that there would only be glimpsed views from Ludwell Lane.
12. However, as illustrated by the submitted images, the proposed changes in this location would be clearly visible from the high ground to the south and intermittently when descending the footpath to the east of the appeal site. From these wider public vantage points the uncommon arrangement of this development would appear discordant and in turn visually intrusive. Moreover, with a domestic aesthetic the development would be seen as a harmful erosion of the existing rural character.
13. The submitted Structural Report indicates that the buildings are suitable for conversion. I see nothing in the evidence or on site which would lead me to dispute this conclusion. While there is support for conversions in local policy, this is subject to maintaining local distinctiveness and character.
14. In respect of this matter, the design seeks to minimise the alterations to the existing simple appearance of the outbuildings. A limited palette of materials is suggested which could be conditioned. Also, in attempt to address the visual

harms identified by an Inspector in respect of a previous proposal at the appeal site¹, the existing roof forms would be largely retained, and the central section of the buildings would only be lifted by a small amount.

15. However, the above design features would not address the incongruent layout of development in this location. Moreover, even with attempts to limit windows and openings, the arrangement of fenestration at the rear of the dwelling would be clearly domestic and combined with the other changes at the site outlined above, this new residential unit would significantly disrupt the prevailing rural appearance of this site. Conditions could not mitigate this harm. Consequently, even if I accept that the design of the dwelling is intrinsically reasonable, in this location this design would fail to maintain the local distinctiveness and character of this part of the Valley Park. It would not be a good design for this reason.
16. In light of the above, I find that the proposal would significantly harm the character and appearance of the area. In this respect, the proposal would conflict with Policy CP16 of the Exeter City Council Core Strategy and Policies H2, LS1 and DG1 of the Exeter Local Plan First Review (Local Plan). These Policies collectively, seek to protect the Green Infrastructure of Exeter, and give priority to meeting housing needs on previously developed land, where, amongst other matters, this would be without detriment to character and the quality of environment.
17. The proposal would also not accord with advice set out in the Council's Residential Design Supplementary Planning Document and provisions of the National Planning Policy Framework (the Framework) which seek well-designed places.

Other Matters and Planning Balance

18. The Council's reasons for refusal also includes concerns about satisfactory living conditions for future occupants with regards light and outlook. This concern is focussed on proposed bedroom 3 and the proximity of an Oak tree. However, there is not currently an Oak tree at the front of the buildings, and therefore this is a tree which would be part of the proposed soft landscaping for this scheme.
19. I saw plenty of space at the front of the proposed dwelling to plant a suitable tree that would not unacceptably restrict light reaching the windows at the front elevation, or that would harmfully dominate the outlook from this aspect of the dwelling. Moreover, bedroom 3 would be dual aspect, and with two windows future occupants would enjoy a reasonable level of natural light and outlook from this habitable room.
20. For these reasons, I find that the proposed dwelling would provide satisfactory living conditions for future occupants, having regard to light and outlook. In this respect, the proposal would accord with Local Plan Policy DG4 and provisions of the Framework which require a high standard of amenity for future users.
21. The Council has not raised concerns about impacts on neighbours' living conditions, parking, drainage or highways safety. However, even if I agree

¹ Appeal Ref APP/Y1110/W/22/3296927

with this, development should be acceptable in these regards, and these are therefore neutral factors.

22. The Council has clarified, with reference to a relatively recent Housing Land Supply Statement, that it is able to demonstrate the appropriate housing land supply. Based on the submitted evidence I find no reason to dispute this. That said, this is not a cap, and the proposal would contribute to the Government's objective to significantly boost the supply of homes and would also add to the mix of much needed dwellings in the area. This is a windfall site, and as a conversion, the development could be delivered quickly.
23. Energy efficiencies could be incorporated into the development and significant carbon savings achieved. Also, the ecology assessment supporting the proposal indicates that there could be biodiversity gains, and these benefits could be secured by condition. However, the social, and economic and environmental benefits outlined above would be small given the size of the development.
24. It is highlighted that the appeal site is vacant, poorly maintained and under-utilised. This may be so, but as already outlined, while this may be previously developed land, the development proposed in this case would significantly erode the existing rural character. The proposal would not maintain the areas' prevailing character and setting and would not be an effective use of this brownfield land in this regard. Moreover, I find no compelling evidence that this harmful development would be the only solution to ensure that these buildings are used. These factors considerably counter any benefit which may arise in respect of the buildings' maintenance and the change of use resulting from this development.
25. My attention is drawn to guidance and policies not in dispute. However, the limited benefits outlined above would not outweigh the significant harm that this development would have on the character of the area. This is so even when the benefits are considered collectively. The proposal would conflict with the development plan in this respect and when read as a whole.
26. The evidence suggest that the appeal site is in the zone of influence of the Exe Estuary Special Protection Area. However, as I have found other grounds to dismiss this appeal, it is not necessary to address that matter further.

Conclusion

27. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR