



Appeal Decision

Site visit made on 5 November 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/Q1153/W/23/3335843

Troubadour Barn, Higher Lowton, Bondleigh EX20 2AL

- 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 Chris Hunt and Mrs Jane Hunt against the decision of West Devon Borough Council.
 - The application Ref is 2569/23/FUL.
 - The development proposed is change the use of land to garden to include installation of 18 PV panels and erection of shed/plant room, greenhouse, shepherds hut.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development having regard to the provisions of the local development strategy and the character and appearance of the area.

Reasons

3. The appeal site comprises part of a large, undeveloped field visible from a number of public vantage points in what the Council describes as being within a hamlet. It is however particularly rural in its nature, and forms part of an area characterised by its open, undulating farmland. The appeal site is located in the vicinity of a small number of dispersed properties and farm/equestrian buildings. The nearest settlement is over 1km away. Notwithstanding the appellant's assertions, the appeal site is mostly surrounded by open countryside, rather than residential development. As such, it is isolated from a settlement in the terms set out in the Bramshill judgement.
4. In such areas, Policy TTV1 of the Plymouth & South West Devon Joint Local Plan (JLP) only permits development where it would support the principles of sustainable development set out in policies SPT1, SPT2, and TTV26 of the JLP. Together, the SPT policies, amongst other things, seek to reduce the need for greenfield development by reusing previously developed sites, increase renewable energy opportunities, and respect the sense of place whilst protecting and enhancing the natural environment.
5. Policy TTV26 of the JLP focusses on development in the countryside. It says that the special characteristics and role of the countryside will be protected. Part 1 of the policy only permits isolated development here in exceptional circumstances. The proposal is not one of these listed circumstances. However, it would extend an existing residential use, rather than create a

new, stand-alone development. Furthermore, this list is not exhaustive as it includes the wording 'such as'. Therefore, from the evidence before me, it has not been convincingly demonstrated that there would be conflict with part 1 of the policy.

6. Even so, there is still a requirement that proposals should help enhance the immediate setting of the site. Furthermore, they should demonstrate how the long term degradation of the landscape and natural environment will be avoided. In that context and amongst other things, JLP policies DEV20 and DEV23 require proposals to have proper regard to the pattern of local development, reinforcing local landscape quality and distinctiveness.
7. I agree with the appellant that the appeal site and its surroundings have been altered by the presence of nearby residential development. In the context of a rural land use, its relatively small scale and severance from other farm land reduces its usefulness for agricultural purposes. Therefore, even though Grade 3 agricultural land would be taken by the development, the effect on its agricultural value would be likely to be negligible.
8. However, the scheme would introduce a dispersed collection of overtly domestic features across a notably large area. This would have the effect of cluttering an otherwise undisturbed part of the countryside. Moreover, some of the materials used on the greenhouse and solar panels would be likely to include reflective surfacing. This would amplify their presence in this rural landscape setting. The host property has residential units either side of it. In that context, the garden layout would be somewhat disjointed from its host property, wrapping around the garden of a neighbouring property, backing onto a shared parking area. For the reasons given, the eye would be drawn to the unusual layout pattern and urbanising features in the landscape.
9. The desire to return the land to a biodiverse rich area is acknowledged. There is however little evidence to show that a residential use of the land would deliver any such gains. In this respect, it is more likely that greater disturbance to the land would be caused by an intensification of the use, proposed solar panels, sited shepherds hut, raised beds, greenhouse, outbuildings, and its potential for coverage with further domestic paraphernalia. Even with the proposed planting, the proposal would fail to protect the countryside's special characteristics and enhance the immediate setting of the site.
10. Therefore, I conclude that the proposal would cause harm to the character and appearance of the area. There would be conflict with policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV20 and DEV23 of the JLP.

Other Matters

11. The appellant says that there would be no adverse impacts on the outlook or amenity of neighbouring properties. This is not a matter disputed by the Council, and I find no reason to disagree. However, the absence of harm would not be a reason to allow unacceptable development.
12. The proposal would provide solar panels which would increase renewable energy production. Additionally, although large, the garden area would contribute towards a range of household sizes. Whilst these benefits weigh

moderately in favour of the scheme, they do not outweigh the harm identified above.

Conclusion

13. 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