



Appeal Decision

Site visit made on 7 January 2025

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/Q1153/W/24/3345959

Greystone, Bere Ferrers, Yelverton, Devon, PL20 7JX.

- 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 Brian Lamb against the decision of West Devon Borough Council.
 - The application reference is 4083/23/FUL.
 - The development proposed is the conversion of existing garage / storage shed into a one bedroom two person domestic dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Tamar Valley National Landscape¹ (TVNL).

Main Issues

3. The two main issues are: firstly, whether the site is a suitable location for a new dwelling, having particular regard to national² and local³ planning policies for housing and the likely effect upon the character and appearance of the area, including the TVNL and; secondly, the likely effect upon nature conservations interests within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA).

Reasons

First Main Issue

4. The appeal site lies within the curtilage of the appellant's house. I understand that the building which it is proposed to convert was previously used as a domestic garage to 'Greystones', as well as an apple store and for apple crushing/juicing purposes as part of the appellant's smallholding. During my visit, two motor cars were parked within the appeal site and immediately alongside the appeal building.
5. The appellant disputes the Council's assertion that the appeal site lies within the countryside. However, within the Design and Access Statement (DAS) that was submitted in support of the application it was recognised that the site "*just sits outside the edge of the development boundary of Bere Ferrers*" and the proposal would comprise "*a conversion of an existing building in the countryside*". Whilst the development plan does not identify settlement boundaries and the appeal site

¹ The provisions of section 85 of the Countryside and Rights of Way Act 2000 (as amended) are engaged.

² The National Planning Policy Framework (the Framework), December 2024.

³ The development plan, which includes the Plymouth and South West Devon Joint Local Plan (LP) and the Bere Peninsula Neighbourhood Plan (NP).

lies very close to Bere Ferrers railway station, I concur with the LPA and the author of the DAS that the site lies within the countryside.

6. My attention has been drawn to numerous development plan policies. Given the site's countryside location and its inclusion within the Undeveloped Coast (UC), I consider that LP policies TTV26, TTV27, DEV24, DEV25 and NP policies E1 & H5 are the most important development plan policies in considering this main issue.
7. I agree with the Council that, in the context of LP policy TTV26.1, the appeal site is not isolated from the settlement of Bere Ferrers. In considering the proposal under TTV26.2, I also agree with the Council that the appeal building does not comprise a traditional building⁴ and the proposal does not respond to a proven agricultural, forestry or other occupational need that requires a countryside location⁵.
8. The proposed development, with a mix of timber boarding and painted render on the external walls and a slate grey standing seam aluminium roof would enhance the appearance of the building and accord with LP policy DEV20 (1,4). Together with a new Devon bank along the roadside boundary, the proposal would help enhance the immediate setting of the site, as provided for under TTV26.2 (vi).
9. However, I also note the comments of the TVNL Planning Officer that the domestication of the site, including the inevitable amenity and parking areas, light spill and associated paraphernalia⁶, would not be an enhancement. These elements of the proposal would, to a limited extent, detract from the largely unspoilt rural setting of the site and be at odds with LP policy DEV25. If permitted, the development could also result in future pressure for ancillary structures to meet the needs of the occupiers of the proposed dwelling. This would further impact upon the setting and would be difficult for the Council to resist.
10. My consideration of TTV26.2(vi) is very finely balanced. Not least, because the site already forms part of the curtilage to the appellant's existing house and, if used more intensively than at present, could result in some of the adverse elements identified by the TVNL officer. Nevertheless, used for purposes ancillary to the existing dwelling, the effect upon the setting of the site is unlikely to be as significant (adverse) as the proposed use as a separate dwellinghouse. On balance therefore, I consider the proposal would conflict with TTV26.2(vi). This adverse effect upon the setting of the site would also conflict with NP policy E1.
11. I note the Council's concerns that the proposal would increase car journeys between the appeal site and the village and be at odds with development plan policies aimed at reducing the need to travel. Whilst undoubtedly the occupiers of the proposed dwelling would require the use of a motor vehicle for some journeys (as indeed is likely to be the case for most residents in Bere Ferrers), the site is very close to the edge of the village⁷. Occupiers would also have very convenient access to the rail station, which provides services to Gunnislake and Plymouth, including the main line. There would be no conflict with the objective of LP policy DEV29. The increase in car journeys arising from the proposed development would not be adequate justification for withholding permission.

⁴ Its rendered blockwork walls and asbestos roof sheets indicate to me that it dates from the mid 20th century and has little in common with vernacular buildings in rural Devon.

⁵ As the proposal would not be for agricultural/horticultural/business purposes it would be at odds with NP policy H5.

⁶ This could include items such as clothes lines, outside table/seating and other domestic trappings that are often found in gardens.

⁷ It is also within convenient walking distance to the nearest bus stop.

12. The proposed dwelling is intended to provide a home for the appellant's grandson who works in Bere Alston and who would undertake the proposed conversion works as a part self-build project⁸. The Framework is supportive of the need to provide affordable housing and self-build schemes. I note that the appellant would be willing to enter into a planning obligation to ensure the proposed dwelling was only sold to a local person(s) and not used as a second or holiday home.
13. LP policy TTV27 is permissive of residential development on sites adjoining or very near to a settlement where, amongst other things, it would meet a proven need for affordable housing for local people. I have been informed that the 2023 Bere Ferrers Housing Needs Report identified a need for three affordable houses. I note that the Parish Council was supportive of the application provided the dwelling was occupied as a primary residence and not as a holiday let.
14. The proposed development has the potential to address some of the housing needs of the local community. This new one bedroom dwelling would also help remedy the current imbalance in the local stock of housing and accord with LP policy DEV8. If properly secured, these benefits would be capable of outweighing the adverse effect upon the setting of the site that I have identified above.
15. However, there is no mechanism in place, such as a planning obligation under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended), to ensure that the dwelling was provided as an affordable unit and retained as such thereafter. The determination of planning appeals should not be delayed to allow for the submission of planning obligations. In the absence of a suitable mechanism, the proposal conflicts with LP policy TTV27.
16. Under LP policy DEV24, development is only permitted in the UC where it satisfies specified tests. These include proposals that cannot reasonably be located outside the UC and development that protects, maintains and enhances the area's unique landscape and special qualities. Proposals that meet the objectively assessed needs of the local community and these tests will be supported.
17. I have found above, that on balance, the proposal would not enhance the immediate setting of the site. However, it has not been demonstrated that this would harm the unique landscape or special qualities⁹ of the UC. Whilst the Council has stated that it has a five years housing land supply, this does not preclude the provision of additional homes and more particularly, local needs housing. Nevertheless, in the absence of a mechanism to secure affordable housing the proposal would conflict with LP policy DEV24.
18. I conclude on the first main issue that the site is not a suitable location for a new dwelling as the proposal would detract from the character and appearance of this part of the countryside.

Second Main Issue

19. The appeal site lies within the 12.3 km Zone of Influence (Zoi) where new residential development¹⁰ would be likely to have a recreational impact upon the Tamar European Marine Site, in particular the SAC¹¹ and the SPA¹².

⁸ I understand the appellant's grandson is listed on the West Devon Self-Build Register.

⁹ Whilst the officer's report mentions harm to the special qualities of the NL, neither these qualities nor the unique landscape qualities of the UC have been identified.

¹⁰ I note that the Habitats Regulations Assessment for the LP concluded that the recreational impacts from new residential development, either alone or in combination with other plans or projects, would impact upon the integrity of this protected area.

¹¹ The qualifying features/habitats include sandbanks, estuaries, shallow inlets, bays, reefs, mudflats and Atlantic salt meadows.

¹² The qualifying features/habitats include those listed above, as well as supporting the overwintering of Little Egret and Avocet.

20. I consider that the appeal scheme, in combination with other development proposals (plans/projects) within the Zol, could increase recreational pressures within the SAC and SPA and, without mitigation, would be likely to have a significant adverse effect upon nature conservation interests¹³ within these protected areas. Whilst the appellant asserts that any adverse impact is nonsensical, there is a great body of information available to substantiate the Council's stance. This includes research and advice from Natural England (NE), as well as appeal decisions in respect of residential development proposed elsewhere within the Zol. It has not been demonstrated, beyond scientific doubt, that the Council's argument should be set aside.
21. In order to secure the delivery of necessary housing, local planning authorities in conjunction with NE, are able to permit new housing within the Zol where mitigation is forthcoming¹⁴. This usually takes the form of a planning obligation (a financial contribution towards the cost of mitigating the recreational impacts within the SAC and SPA) submitted under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). In this instance, the Council has calculated that a contribution of £236.62 would be required.
22. I note that the appellant would be willing to make such a contribution and has expressed concern that the Council did not consult him on this matter before determining the application. However, there is no planning obligation before me or any other suitable mechanism in place to secure this necessary mitigation. I have already noted above that the determination of appeals should not be delayed to allow for the submission of necessary planning obligations.
23. I must therefore conclude on the second main issue that the proposed development would, in combination with other plans or projects, be likely to have a significant adverse effect upon nature conservations interests within the SAC and SPA. This conflicts with the provisions of LP policy DEV26 and NP policy E2.

Other Matters

24. The proposed re-use of an existing building in preference to a new build is likely to involve less carbon emissions. The building would also be insulated. In addition, I note the appellant's intentions to provide solar panels and an electric vehicle charging point. I consider the Council's concerns in respect of conflict with LP policy DEV32 to be unfounded.

Conclusion

25. Given my findings above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

¹³ These include salt meadows, estuaries, large shallow inlets and bays, mudflats, sandflats, reefs and sandbanks.

¹⁴ In accordance with the Recreational Mitigation and Management Plan.