



Appeal Decision

Site visit made on 19 December 2024

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/U1105/W/24/3343467

Bracken Rigg, Cathole Lane, Uplyme, Devon DT7 3XD

- 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 Geoffrey Moss against the decision of East Devon District Council.
 - The application Ref is 24/0216/FUL.
 - The development proposed is described as site log cabin.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are: (i) whether the proposed development would be of a low carbon sustainable design; and (ii) whether the proposed development would be in a suitable location, taking account of its effect on character and appearance and access to services and facilities.

Reasons

Sustainable Design

3. Policy UEN2 of the Uplyme Neighbourhood Plan, July 2017 (the NP) sets out various principles that all development within the village should adhere to. Of particular relevance to this case is the need for proposals to be innovative in order to achieve low carbon sustainable design.
4. As noted within the Council's officer report, the approved plans show that the proposed development would be a very simple log cabin with very thin external walls. As a result, it is highly likely that the insulation of the cabin would be very poor, meaning that there would be a reliance on artificial heating. It is therefore clear that the proposed development would not represent a low carbon sustainable design, and as such, it would not conform with the NP in this regard.
5. I therefore conclude that the development would conflict with NP Policy UEN2 and LP Strategy 3 and Policy D1, which in part, require new development to be of a sustainable design.

Suitability of the Location

6. The Council's officer report refers to various development plan policies that allow the provision of tourist accommodation in certain circumstances. Based on the information provided, it is clear that NP Policy UEM4 is of most relevance to this case. The policy allows such development to come forward subject to various

criteria, including among other things, the effect on character and appearance and traffic, access and highway issues. Furthermore, policies within the East Devon Local Plan, January 2016 (the LP), require development to be located in sustainable areas where the reliance on the private car to access services and facilities is reduced.

7. The proposed log cabin would be located within the rear garden of the host property on the edge of the village of Uplyme. The Council notes that the site is within the East Devon National Landscape and forms part of Landscape Character Type 3B as identified within the East Devon and Blackdown Hills Landscape Character Assessment (LCA). The LCA notes that the wider area is notable for its gently rolling landform, streamside tree rows and building materials that reflect the local geology.
8. I am of the view that, while the appearance of the log cabin would differ considerably from that of the host dwelling, a wooden building of this type would not look incongruous or out of place in a rural setting such as this. It would also not be large enough to be perceived as dominating the main dwelling. As such, I am satisfied that the appearance of the cabin would not lead to harm, including when seen from the public right of way at the bottom of the valley. Furthermore, the scenic beauty of the National Landscape would be preserved.
9. In terms of access to services and facilities, I note that the plans do not show that the cabin would have any kitchen facilities. As such, occupiers would need to travel fairly regularly for food and drink. Nevertheless, there is a bus stop close by which provides services to the village centre and onwards to Lyme Regis. While services are perhaps relatively infrequent, they do nevertheless provide an opportunity to access shops and other facilities in a sustainable manner. It is also possible to walk to the village centre via the aforementioned public right of way.
10. As a result of these considerations, I am of the view that the proposed development would be in a suitable location. It would therefore conform with LP Strategies 3, 5B and 46, and Policy D1, as well as NP Policy UEM4. The relevant aspects of these policies seek to ensure that development preserves character and appearance, including the scenic beauty of the National Landscape, and that it is located in areas that have access to sustainable transport.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole, notwithstanding the fact that I have not found harm in relation to the site's location. Whilst the provision of one unit for tourism accommodation would have some economic benefits for the local area, the small-scale nature of the scheme means that any such benefits are likely to be very limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR