



Appeal Decision

Site visit made on 17 December 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/U1105/W/24/3350271

**Lower Sweetcombe Farm , Road Past Hatway Cottage Farm, Sidbury, Devon
EX10 0QR**

- 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 S Hallett and Ms M Conibear against the decision of East Devon District Council.
 - The application Ref is 23/2604/FUL.
 - The development proposed is change of use of land from agricultural to holiday/tourism accommodation including the retention of a shepherd's hut, shed (housing a kitchen/store and shower) and toilet.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that at the time of submission the proposed development had commenced. Consequently, the Council determined the application retrospectively. As the shepherd's hut, shed and toilet were in position on the site at the time of visit, I have also determined this appeal retrospectively.

Main Issues

3. The main issues of the appeal are:
 - whether the location of the site is suitable for the development, having regard to the local development strategy and the accessibility of the appeal site to shops, services and facilities via sustainable modes of travel and transport; and
 - the effect of the development on the character and appearance of the area, with particular reference to the East Devon Natural Landscape (EDNL).

Reasons

Location

4. As the appeal site is located outside a Built-up Area Boundary (BUAB), Strategy 7 of the East Devon Local Plan 2013-2031 (the Local Plan) defines it as located in the countryside where development will only be permitted where it is in accordance with, and is explicitly permitted by, a specific Local or Neighbourhood policy.

5. Strategy 33 of the Local Plan supports the provision of high-quality tourism which promotes a year-round industry and is responsive to changing visitor demands. However, new tourist accommodation is directed by Policy E16 of the Local Plan towards the BUABs where access to facilities and services by foot, bicycle and public transport is more readily available. An exception to this includes the use of existing buildings in the open countryside, within close proximity to the main farm/country house, for small-scale holiday accommodation uses.
6. Therefore, whilst the development comprises small scale holiday accommodation, it does not involve the conversion or use of an existing building. In addition, the distance between the site and Lower Sweetcombe Farm house, separated by fields, is beyond what could reasonably be described as within close proximity.
7. Irrespective of the scale of the development, which ultimately limits the likely vehicular movements to and from the site, strategies 3, 5B and 7, and policies TC2 and E16 of the Local Plan all require development to contribute to promoting sustainable modes of travel and transport. Whilst not unusual for a location in the countryside, the evidence before me indicates that no public transport routes serve the area close to the appeal site, therefore walking and cycling would be the most likely alternatives to visitors relying on a private vehicle.
8. Even if I were to agree that a 20-minute walk to Sidbury was well within the reach of most visitors likely to want to stay in the accommodation, this would involve walking along narrow lanes enclosed by mature hedgerows with limited safe space for walkers to move to the side should a vehicle approach. The roadside hedgerows also restrict the forward visibility for all road users, and therefore limit the time available to drivers to stop or for pedestrians to move to safety.
9. The network of bridleways and other public rights of way close to the site do provide other routes across the surrounding area, albeit often less direct. Given the unmade and unlit nature of these routes, adverse weather conditions and the quality of daylight can effect their accessibility and use, and combined with the undulating topography of the area, represent barriers to promoting walking or cycling.
10. Furthermore, although the proposal may appeal to visitors that enjoy walking and cycling, these modes of travel are unlikely to be conducive for carrying bulky and/or heavy bags from food stores, accessing tourist attractions further afield or during periods of inclement weather. Moreover, given the lack of public transport access, visitors would be likely to arrive by private vehicle and, even if they bring their own bikes, there is no guarantee that visitors will use them and/or travel by foot once they arrive. Whilst past visitors to the accommodation may have arrived from other areas in the south west, limited substantive evidence has been provided in support of this claim.
11. I conclude that the location of the site would not be suitable for the development, having regard to the local development strategy and the provision of holiday or overnight accommodation. It conflicts with strategies 3, 5B and 33, and policies TC12 and E16 of the Local Plan which supports tourism growth provided it contributes to the objectives of promoting and securing sustainable modes of transport and travel.

Character and appearance

12. The EDNL is a nationally important area, afforded the highest status of protection due to its high scenic quality and natural beauty. Therefore, great weight is given to conserving and enhancing the natural beauty of the area. Strategy 46 of the Local Plan supports development only where it does not undermine landscape quality.
13. As the appeal site is located on elevated land within an area of undulating topography, its position provides long distant views towards Sidbury and across the lower lying land of the wide valley within which the settlement is located. Beyond Sidbury and Sidford/Sidmouth, areas of built form are sparsely distributed within the landscape and, in the main, imperceptible, making it highly sensitive to the introduction of additional built form.
14. The presence of a shepherd's hut itself is not a discordant feature in a countryside setting albeit the demand for its originally intended use has significantly diminished. Post and rail fencing, and wooden structures, are also commonly found in similar environments to the appeal site. Nonetheless, the arrangement of these features on the site, including the size and shape of the area of the field segregated by the fencing, interrupts the established field pattern in the area which comprises medium to large pieces of land divided by mature hedgerows.
15. Other domestic paraphernalia, including the hot tub with its tall metal chimney, a circular bench with parasol, various potted plants, a barbecue and washing line strung between the shepherd's hut and kitchen shed are located on the site. These are incongruous, manufactured features which, particularly when in use by visitors, and regardless of the length of time the accommodation is occupied, contrast starkly with the backdrop of trees and hedgerows. The natural condition of the wooden structures nor the use of green paint on the shepherd's hut does little to reduce this contrast. Even if the shepherd's hut and kitchen shed can be moved to less intrusive locations, the toilet shed, fencing and paving are more permanent features.
16. At the time of my visit, when the field boundary hedgerows and trees were without greenery, this contrast was visible from parts of the Hatway Hill. Although, when in leaf, these landscape features would screen much of the development from the lane, the view permitted via the gap in the hedgerow created by the field gate onto the lane would remain. Additionally, the presence of the development would be readily appreciated in views from the adjacent bridleway, irrespective of the time of year.
17. Despite its small scale, I conclude that the development results in harm to the character and appearance of the area, with particular reference to the EDNL and contrary to strategies 3, 33 and 46, and policies D1, E4, E5 and E16 of the Local Plan. These policies all seek, amongst other aspects, to protect and, where possible, enhance the quality and character of the landscape and the natural assets of the East Devon district. Policies 1 and 7 of the Neighbourhood Plan for Sid Valley 2018-2032 (SVNP) supports this approach.
18. As required by the National Planning Policy Framework (the Framework), it is my statutory duty, therefore, to attribute great weight to the identified harm to the EDNL and the associated development plan conflict.

Other Matters

19. The proposal would bring about some social and economic benefits through the provision of additional accommodation for visitors seeking a more unusual and/or tranquil place to stay and in support of local tourism. Whilst the appellant would derive personal benefits from letting out the accommodation, it would also assist in the diversification and therefore continued operation of the appellant's agricultural business. From an environment perspective, the use of a locally handmade hut and its furnishings, providing environmentally friendly cleaning and washing products to guests and the use of battery, gas, solar and wood to power the proposal results in benefits that weigh in favour of the scheme. Nevertheless, the scale of the proposal is such that these benefits would be small in scale. I, therefore, attach modest weight to them in my determination of this appeal. Although perceived to be unduly harsh, the benefits indicated above do not outweigh the harm to the EDNL and the great weight it attracts in my determination of this appeal.
20. The appellants planting of new hedgerows elsewhere on the farm and their involvement in local groups relating to biodiversity and the river Sid catchment, are not matters which relate directly to the proposal, despite being of benefit to the local area. As such, they do not weigh in favour of the scheme before me.
21. Although new buildings, caravans and/or leisure areas may be present nearby, no substantive evidence has been provided demonstrating how these developments or the circumstances which led to them, are comparable to the scheme before me. No weight is attached to them within this appeal as a result.
22. The appeal site is located within 10km of the Exe Estuary Special Protection Area (SPA) and the East Devon Pebblebed Heaths SPA, European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the development on the SPAs, taking into consideration the S111 Pebblebed Heaths Form submitted with the planning application. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters any further,

Conclusion

23. The development is contrary to the development plan as a whole and material considerations, including the provisions of the Framework, do not indicate that the development should be determined other than in accordance with it.
24. For the reasons set out above and having had regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR