



Appeal Decision

Site visit made on 1 April 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Appeal Ref: APP/U1105/W/24/3348938

Kings Arms Farm, Nags Head Road, Gittisham, Devon EX14 3AP

- 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 Mark and Lisa Clouter against the decision of East Devon District Council.
 - The application Ref is 23/2725/FUL.
 - The development proposed is house of multiple occupation (HMO), that provides individual living-rooms for vulnerable people. The facility includes communal areas for socialising, cooking and dining set with private and secure gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 7 November 2023, a planning appeal for the construction of a two-storey 18-unit residential home on the appeal site for vulnerable people was dismissed¹. I have had regard to that appeal decision where it is relevant to the appeal before me.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Further written comments regarding these changes were submitted by the main parties. This decision is based on the current Framework and has taken account of the further representations.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located beyond the boundary of a settlement and is in the countryside for the purposes of the development plan. It is physically and visually separated by the A30 from the cluster of development that forms the edge of Honiton. There are residential properties to the north of the A30, but they are sporadic in their layout and are also physically and visually separated from the site by the bridge that passes over the A30. The site therefore appears on its own and not visually related to existing properties. Notwithstanding the presence of the A30 and the bridge, which is partially screened from the site by vegetation, the immediate environ of the site is rural in character and appearance.

¹ Appeal reference APP/U1105/W/23/3319921

6. The site comprises a two-storey building with a single storey element emanating from one of the side elevations, an extension that projects from the front elevation and a single storey addition to the rear. The two-storey section of the building is close to the eastern boundary of the site and the vegetation that is present on that boundary. The existing built form on the site is situated towards the front of the site and is orientated parallel with the southern boundary nearest the road. The building is understood to be a former farmhouse, and its form, design and materials is reflective of that traditional vernacular. It is congruent with its rural setting and is characteristic of the type of architecture expected in the countryside.
7. The existing use of the site is a House in Multiple Occupation (HMO) that is run by a charity and provides accommodation for six vulnerable adults. The proposal is to erect an additional building in the area of the site to the rear of the existing building. It would be detached from the existing building and would provide a further 12 bed spaces for vulnerable adults. The new building would be predominantly two-storey with a smaller single storey element. The two-storey section would be erected parallel with the rear boundary of the site and the single storey element would extend towards the existing building. A garden area would be formed between the existing and new buildings.
8. I note that the proposal is scaled back from the scheme that was previously dismissed at appeal. I also appreciate that the intention of the design of the scheme is to replicate the footprint and scale of a farm building. However, the two-storey element of the proposal would still extend across most of the rear boundary of the site and its form and scale would not be reflective of a traditional farm building. Moreover, the development would be easily seen behind the single storey section of the existing building. Despite the proposed development being located at the rear of the site, it would form a looming presence behind the single storey element of the existing building. The massing and bulk of the two-storey section would be a dominating addition that would not have the appearance of a farm building and would visually detract from the traditional proportions of the existing built form.
9. Whilst the single storey part of the proposal would be well screened by the existing building and this would reduce the readability of its scale, that part of the proposal is significantly smaller in scale than the two-storey element and the latter alone would have an urbanising effect and cause unacceptable harm to the rural character and appearance of the site and its surroundings. Furthermore, the open external walkway on the elevation facing the road would be an incongruent feature that would not respond to, or reflect, the traditional vernacular of the former farmhouse. The walkway would therefore exacerbate the unacceptable harm.
10. The scarcity of mature vegetation on the northern and western boundaries of the site means that the massing and bulk of the proposal would not be screened, nor would there be a natural backdrop that could soften the visual intrusion of the proposed development. It is mentioned by the appellants that a landscaping scheme could be secured to provide more planting. However, this means that the proposal would become heavily reliant on the new vegetation and its longevity to prevent views of the incongruent development.
11. I acknowledge that the site is not overtly visible from the public realm other than the roads near to the site. However, the proposal would be clearly visible from the road that passes the site and it would be easily from the bridge that passes over

the A30. As such, the harmful effect of the proposal would be visible to the public, and in any event, the Council's policies and the Framework require development to be of good design and the proposed development fails.

12. I also note that the proposed position of the two-storey element of the development is partly to provide an environment in the garden between the existing and new buildings that would be sheltered from the elements. However, there is nothing before me to show that this could not be achieved with a scaled down built form that would result in less harm to the character and appearance of the area. On this basis, the positioning of the two-storey element to offer protection of the users of the garden from wind and driving rain does not alter my above findings on the appeal.
13. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, the proposal would conflict with Strategy 7 and Policy D1 of the East Devon Local Plan 2013 – 2031 (LP), which collectively seek, in part, to limit development in the countryside to where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, and for development to respect the key characteristics and special qualities of the area in which the development is proposed and to ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context. The proposal would also fail to meet the National Design Guide's objective for development to understand and relate well to the site and its local and wider context.

Other Matter

14. The appellants have drawn my attention to the Parish Council and the local Ward Councillor resolving to support the application. Nevertheless, I have considered the development on its merits based on all the evidence before me.

Planning Balance

15. The appellants have suggested that the Framework's 'tilted balance' is engaged. Paragraph 11(d) of the Framework sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
16. Typically, planning policies are out-of-date for the purposes of Paragraph 11(d) if they have been overtaken by events that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.
17. The Framework requires that development adds to the overall quality of the area, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and is sympathetic to local character, including the surrounding natural environment. The development plan policies I have identified that the proposal would conflict with are consistent with these objectives of the

Framework. As such, the relevant policies are consistent with, and have not been usurped by, national policy and are therefore not out-of-date. The 'tilted balance' in Paragraph 11(d) is therefore not engaged.

18. In any event, the Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Strategy 7 and Policy D1 of the LP, with the associated conflict reflecting harm to the character and appearance of the area. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. The proposal may comply with certain policies contained in the development plan and I note that the previous issue of flooding has been overcome, but given the harm that I have identified, the proposal would conflict with the development plan when taken as a whole, and significant weight is attributed to the policy conflict and associated harm identified.
19. The proposed development would provide independent supported living accommodation for vulnerable adults, including the appellants' daughter. This type of accommodation is said to be limited in the local area and much needed to meet a demand for vulnerable adults to live in independent accommodation but also as part of a safe and supported community. It is also stated by the appellants that the new building would financially increase the sustainability of the provision of the sheltered accommodation in the local area. Furthermore, the new accommodation would provide employment from the building's construction and subsequent operation. Whilst I appreciate that there appears to be a demand for such accommodation in the local area, particularly in a relatively accessible location near to the edge of Honiton, it has not been sufficiently demonstrated that the delivery of the additional supported living accommodation cannot be achieved through a less harmful scheme. Accordingly, I afford the identified benefits of the scheme moderate weight.
20. Overall, I find that the adverse impact of the proposal on the character and appearance of the area would outweigh the moderate weight that can be attributed to the scheme's benefits.

Conclusion

21. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability.
22. As previously established, the proposed independent supported living accommodation for vulnerable people would provide a safe and supported community for the appellants' daughter and similar vulnerable adults. Dismissing the appeal would prevent the proposal for what is described as needed accommodation for vulnerable adults from going ahead.
23. However, this must be balanced against the significant weight to be attributed to the conflict with the development plan and the protection of the countryside. I have little substantive evidence that the site provides the only available option and that the required accommodation for vulnerable adults, but which would accord with the development plan, could not be provided elsewhere in the area in which it is needed.

24. In this case, I conclude that the disability of the future residents of the proposed development is not a matter which outweighs the harms identified, and with due regard to the PSED, I find that dismissing the appeal would be both necessary and proportionate.
25. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR