



Appeal Decisions

Site visit made on 17 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Ref: APP/W1145/W/24/3355008

Five Acre, Alverdiscott Road, Bideford, Devon EX39 4PP

- 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 Andrew Hutton against the decision of Torridge District Council.
 - The application Ref is 1/0655/2024/FUL.
 - The development proposed is the demolition of barn to be replaced with 1. no dwelling and detached garage in lieu of planning approval 1/1166/2023/FUL (self-build).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Andrew Hutton against Torridge District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. I have used the address as provided on the appellant's appeal form as this seems to describe the location more accurately. I have also used the description of development provided by the Council on their decision notice as it sets out the proposed scheme more succinctly.

Main Issues

4. The main issues are: (i) whether the proposed development would be in a suitable location, taking account of the Council's spatial strategy; (ii) the effect of the proposed development on the character and appearance of the area; (iii) whether the arrangements for foul drainage would be satisfactory; and (iv) whether the proposals are satisfactory with regards to ecology and biodiversity.

Reasons

Location

5. The appeal site is not located within a defined settlement, and as such, it is regarded as being within the countryside for planning purposes.
6. Policy ST07 of the North Devon and Torridge Local Plan 2011 – 2031 (the LP) sets out that, within the countryside, development will be limited to that which meets particular economic and social needs, rural building re-use and development that is necessarily restricted to a countryside location. The proposed development, which would provide one new self-build dwelling, does not accord with any of these exceptions. As a result, the scheme would be in conflict with the

Council's adopted spatial strategy as set out within LP policies ST01 and ST07. Taken together, the relevant aspects of these policies seek to ensure that new development takes place in sustainable locations.

Character and Appearance

7. While there are some exceptions in the wider locality, the immediate area is predominantly characterised by the presence of buildings that are sited close to the road in a fairly linear fashion. These include the host dwelling within the appeal site and the three nearest homes to the west along Alverdiscott Road. Moreover, the surroundings, including the appeal site itself, are verdant and spacious and are therefore reflective of the rural nature of the area.
8. The appeal proposal would provide one new single storey dwelling. It would be sited to the south west of the existing house, much further away from the road. As a result of this proposed location, the development would appear as a rather contrived incursion into the countryside, as well as an incongruous addition which would not reflect the predominant character of the immediate surroundings. Moreover, the proposed dwelling and associated garage block would add a significant amount of built form to the immediate area. Even taking into account the demolition of the existing outbuildings, the development would very clearly erode the existing verdancy and spaciousness of the site to a significant degree. In combination with the elevated position of the site, and the location of the proposed access, it is likely that this harm would be apparent from the public realm to some degree.
9. When considered in isolation, the design of the proposed dwelling would reflect local character. However, this does not alter the harm that I have identified, which in the context of the immediate area, would be significant.
10. As such, I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with the relevant aspects of LP policies ST04, DM04, DM08a and ST14 which seek to ensure that new development is well designed and that it preserves local character.

Drainage

11. In order to determine the suitability of the proposed foul drainage system, the appellant has provided percolation test results with values of 24, 24 and 57. The guidance set out within British Standard BS6297 is relevant to such cases. It is notable that all three results are lower than the upper limit described within the guidance. However, it is also clearly set out within the guidance that, where percolation values vary widely, further tests should be performed. It does not appear that further tests have been undertaken in this instance, despite one value being significantly higher than the other two. Furthermore, there is nothing before me to confirm whether the guidance in BS6297 has been followed more widely when the tests were being undertaken.
12. The appellant has suggested that this issue could be resolved through the use of an appropriately worded condition. However, in my view, percolation test results that indicate the viability of a proposed drainage system should not be left until after planning permission has already been granted and the locations of proposed buildings are fixed.

13. In the absence of evidence to the contrary, I conclude that it has not been demonstrated with sufficient certainty that the arrangements for the treatment of foul effluent would be satisfactory. The proposal would therefore conflict with LP Policy DM02, which in part, seeks to ensure that development does not result in adverse impacts with regards to pollution.

Ecology and Biodiversity

14. The proposed dwelling has been described as being self build by the appellant. However, it seems unlikely that the requirements for a self build property, namely that it would be occupied by the person or persons who designed it for a period of at least three years, would be met. Indeed, I note that as part of their final comments, the appellant has not sought to disagree with the Council's assertion that they would continue to live within the existing dwelling on site. With this in mind, I am of the view that the requirement to demonstrate an adequate increase in biodiversity would need to be met.
15. Nevertheless, due to the size of the site and its existing character, in addition to the proposals for new planting, there is no reason for me to conclude that this requirement could not be achieved. I therefore have a sufficient level of certainty to be content that this issue could be dealt with via the imposition of a suitably worded condition.
16. As such, I do not find conflict with LP Policies ST14 and DM08, which in part, seek to protect the local environment and preserve and enhance biodiversity.

Other Matters

17. The appellant already has planning permission to convert the existing barn into a dwelling¹. An associated appeal², which sought to extend the existing dwelling, and provide a two storey garage block on the site of the barn, has been dismissed as part of a separate decision. As a result, there can be no doubt that there is a greater than theoretical prospect of the extant permission coming forward and it therefore represents a legitimate fallback position.
18. The existence of the fallback position would negate any harm associated with the identified conflict with the Council's spatial strategy. However, the barn conversion would result in less built form on the wider site than the appeal proposal before me. Furthermore, the barn is situated closer to the road and is in a less elevated position than the appeal site. As such, it is abundantly clear that the appeal scheme would result in a greater level of harm to character and appearance than the barn conversion.
19. The appellant has suggested that the fact that the proposed dwelling would be situated further away from the existing house than the barn would be beneficial in relation to privacy. However, there is no substantive evidence before me that would lead me to conclude that there would be any privacy issues in relation to the barn conversion. The appellant has also set out that the proposed dwelling would have better sustainability credentials than the converted barn. While I acknowledge that this could be the case, there is again no substantive evidence before me to enable me to have any degree of certainty. There is also nothing substantive before me that would lead me to conclude that the existing access is

¹ Council ref: 1/1166/2023/FUL

² Ref: APP/W1145/W/24/3355007

unsafe, and that the new access would be beneficial. Taking all of this into account, the existence of the fallback position does not provide a legitimate reason to alter my decision in this appeal.

Conclusion

20. I have found harm in relation to the location of the site and the effect on character and appearance, as well as the potential for harm with regards to drainage. The harm associated with location is offset by the existence of the fallback position. However, the harm to character and appearance and drainage would outweigh any benefits of the scheme which would predominantly relate to the potential for greater biodiversity on site.
21. The Council has noted that it is currently only able to demonstrate 4.86 years' worth of deliverable sites for housing. The proposed scheme before me would not result in a net increase in housing numbers when considered in the context of the extant permission for the barn conversion. However, even if the test in paragraph 11d of the National Planning Policy Framework was to be applied, the identified harm to character and appearance alone would significantly and demonstrably outweigh the benefits.
22. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR