



Appeal Decision

Site visit made on 17 June 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/U1105/W/25/3361026

Halls Farm, Road From Higher Metcombe to Metcombe Rise, Metcombe, Ottery St. Mary, Devon EX11 1SS

- 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 Ben Smith against the decision of East Devon District Council.
 - The application Ref is 24/1938/FUL.
 - The development proposed is conversion of an agricultural building to two dwellings and associated landscaping, and the demolition of agricultural buildings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposed development is described as the conversion of an agricultural building. In this instance alterations are proposed to the building including new window and door openings. Together with internal works proposed to the building, I therefore take the proposal to include the physical alterations to the building to facilitate its use as two dwellings and use the word “conversion” on this basis.

Main Issues

4. The main issues are:
 - Whether the proposal is a suitable location for two dwellings having regard to development plan policies concerning the reuse of buildings in the countryside;
 - The effect of the development on the character and appearance of the site and its surroundings;
 - The effect of the proposal on the viability of an existing agricultural enterprise; and
 - Whether there are adequate arrangements for the disposal of foul water drainage from the site.

Reasons

Location

5. The site lies outside the Built-up Area Boundaries and applying East Devon Local Plan 2016 (EDLP) Strategy 7 is therefore within the countryside for the purposes of development plan policy. The villages of Tipton St John and West Hill, which both have services and facilities, are located approximately 1.6km to the east and 2.5km to the northwest respectively. The site is physically separate from those settlements and due to the distance between the site and the villages is isolated from them.
6. Access to the services and facilities in either village by foot would be along the local roads, which are country lanes without footways or lighting. I walked along parts of the road during my site visit. The absence of footways coupled with the distance to the villages and the frequency of passing vehicles means that it would not be a safe or suitable route for all users, especially after dark or in inclement weather.
7. Whilst it may be possible to cycle to services in the villages, the nearest bus stop is in Metcombe, approximately 700m away to the east. Although the bus stop serves a daily bus service to Sidmouth, the service is limited and pedestrians would be required to walk along the road from the site to reach it. The lack of safe and suitable access to the villages and the bus stop for all users means that travel by car would be likely to be a necessity for future occupants of the development needing to access services and employment. As a consequence, whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the development would cause moderate harm to the objectives of promoting and securing sustainable modes of travel and transport set out in EDLP Strategy 5B.
8. Policy D8 of the EDLP states that, for residential proposals, it must be established that development is located close to a range of accessible services and facilities to meet the everyday needs of residents. Policy TC2 of the EDLP similarly requires that new development should be located so as to minimise the need to travel by car. For the above reasons, the development would conflict with these requirements.
9. In conclusion, the proposal would not be in a suitable location having regard to the development plan policies concerning the reuse of buildings in the countryside in conflict with EDLP Strategies 3 and 5B and policies D8 and TC2 in so far as they seek to ensure the accessibility and sustainability of new residential development.

Character and appearance

10. The building consists of two substantial, utilitarian, pitched roof steel portal framed sheds linked together. It is situated on the northern side of the site above a group of existing agricultural buildings which lie between it and the road. The site lies within attractive, rolling countryside characterised by open fields bordered by hedgerows and groups of mature trees with only the occasional other buildings and dwellings.
11. The site falls within landscape type LCT 3B 'Lower Rolling Farmed and Settled Valley Slopes' in the East Devon and Blackdown Hills Landscape Character

Assessment 2019. It is described as being predominantly agricultural, with pastoral and arable land uses with patches of woodland, copses, and hedgerow trees giving the landscape a well-treed character. My own observations concur with this description.

12. The proposal would result in the creation of a number of new window openings in the currently blank northern, southern and eastern elevations of the building as well as further ground and first floor windows proposed in the currently open ended western elevation. The proposed fenestration, particularly at upper floor level, means the building would lose much of its current agricultural character and appearance. Whilst the substantial scale and utilitarian appearance of the building and the proposed materials would reflect the adjoining agricultural buildings, two of the adjacent buildings are proposed to be demolished. This would expose the northern and eastern elevations of the proposed dwellings and the new openings proposed in them. The opening up of the site in this way would accentuate the discordant effect of the proposal on the character and appearance of its surroundings. Its form, bulk and general design would be markedly at odds with the much smaller, rendered houses fronting the road near the site which are characteristic of local residential building styles and materials.
13. The position of the building on higher land means that it is visible in the landscape including from the road as it rises to the west beyond the site and from the western site access. Although hedgerows, trees and the buildings to be retained on the southern side of the site would limit the views of the converted building from the road, and trees on the boundary would screen it from the east, the moderate harm caused to the character and appearance of the countryside by the alterations to the building would nevertheless be evident. Whilst agricultural buildings similar to the appeal building are often part of the rural landscape, dwellings of the size and form proposed are not part of the character of the countryside surrounding the site. The proposed conversion to a substantial, utilitarian, two storey residential use with domestic fenestration would appear incongruous in the landscape and would not enhance the rural setting of the site.
14. Demolition of some of the other existing buildings would make the proposed alterations more visible from within the site. The proposed plans do not demonstrate how the sites of those buildings would be restored or how the proposed curtilage of the dwellings would be laid out. From the evidence before me, the proposal would not result in enhancement of the immediate setting of the building to be converted or of the character of the surrounding area. Whilst it would be possible to require the submission of a landscaping scheme through a condition if the appeal were to be allowed, I am not convinced that this would overcome the harm which I have identified.
15. For the reasons given above, the proposal would cause a moderate level of harm to the character and appearance of the site and its surroundings. It therefore conflicts with EDLP Strategy 7, policies D1 and D8 and policies NP1 and NP2 of the Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 (NP) in so far as they seek to protect and enhance the rural setting and character of the area and ensure development has regard to its local context.
16. Although not referred to in the reasons for refusal, for the same reasons, the proposal would also conflict with EDLP Strategy 46 which seeks to conserve and enhance the landscape character of the area.

Viability of existing agricultural enterprise

17. The site was previously used as a dairy farm with milking herds at various locations, including Halls Farm. The evidence indicates that the use of the site for that purpose has ceased with the milking herd relocated elsewhere. The site and approximately 8ha of land was transferred to the appellant in 2022 and the building to be converted and those proposed to be demolished are no longer required by that agricultural enterprise.
18. I am not aware of any other existing agricultural enterprise on the site which may require the existing building or which may generate the need for replacement buildings to fulfil a similar function to the appeal building. Therefore, in the absence of any compelling evidence to the contrary, I am satisfied that the development would not harm the viability of an existing agricultural enterprise. It would therefore comply with criterion 5 of EDLP policy D8 which requires that proposals do not undermine the viability of an existing agricultural enterprise.

Foul Drainage

19. Policy EN19 of the EDLP states that new development will not be permitted unless a suitable foul sewage treatment system of adequate capacity is provided. Since the appeal was submitted, a cesspool or sileage tank has been proposed as an alternative solution to a septic tank and a package treatment plant. The justification for policy EN19 recognises that private sewage plants may be required in rural areas where connections to the main sewer are not possible.
20. A cesspool may rely on road transport for the removal of waste. However, this should be seen in the context of the type and nature of farm vehicles, which the Council's delegated report accepts would potentially be capable of being generated at present.
21. Although the details of the proposed means of foul drainage have not been provided, the appellant has suggested that they could be submitted via an appropriately worded planning condition if the appeal was allowed. Such a condition would allow the Council to explore the drainage options in more detail to ensure the site could be appropriately drained without causing pollution. I have not been provided with any compelling evidence that such a condition would not meet the 6 tests for conditions in the National Planning Policy Framework (the Framework)
22. Therefore, as the submission of details of a suitable foul drainage scheme for the Council's approval could be secured through a planning condition if the appeal were allowed, the proposal would comply with EDLP policies EN14 and EN19 regarding the provision of foul sewage treatment systems and the control of pollution.

Other Considerations

23. Hall's Farmhouse is a Grade II* listed building fronting the road. Dating from the early 17th century or earlier it derives its significance from its roughcast cob and thatch and the ancient quality of its construction. It is separated from the building to be converted by other modern farm buildings. Whilst two of those buildings are to be demolished as part of the proposal, the proposed conversion would not harm the significance of the listed building and its setting would be preserved.

24. Whilst I am aware of other appeal decisions¹ where windows inserted into agricultural buildings have been found to be acceptable, I have considered the appeal on its individual merits. I am not aware of the details of those sites or the development plan policies which applied to them. Those sites are not in the same part of the country as the appeal site and, from the plans provided, the buildings were not of the same scale or bulk as the appeal building. Nor did they include windows in the first floor elevations of the building.
25. The site lies within the 10km buffer zone of the East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the first two main issues, it is not necessary for me to consider this matter in any further detail
26. Against the harm identified above, the proposal would contribute two dwellings to the Council's housing land supply. As the Framework states that small sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly, this would be a moderate benefit of the proposal. There would also be some moderate economic benefit arising from future occupants using local services and facilities and supporting local businesses. Some limited short term economic benefits would arise from the construction work involved in the conversion.

Planning Balance

27. The EDLP and the NP form the development plan for the area in which the site is located. Whilst the proposal complies with some development plan policies, the harm identified above conflicts with EDLP Strategies 3, 5B, 7 and 46, policies D1, D8 and TC2 and NP policies NP1 and NP2. As a consequence, there is conflict with the development plan when taken as a whole.
28. Paragraph 232 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. The policies of the Framework require that planning decisions should contribute to and enhance the natural local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. The Framework recognises the re-use of redundant or disused isolated buildings in the countryside where the development would enhance its immediate setting but also requires that decisions should ensure that developments are visually attractive. They should also be sympathetic to local character and ensure that safe and suitable access to the site can be achieved for all users.
29. As a consequence, EDLP Strategies 3, 5B, 7 and 46, policies D1, D8 and TC2 and NP policies NP1 and NP2 are broadly consistent with the Framework and conflict with them should be given substantial weight.
30. The Council can only demonstrate 2.97 years' supply of deliverable housing sites. Paragraph 11 d) of the Framework therefore requires that consideration of the presumption in favour of sustainable development is necessary. Applying footnote

¹ APP/R0660/W/23/3327846; APP/L3245/W/18/3216271; APP/J1860/W/20/3263591; APP/J1860/W/21/3275424; APP/A2335/W/20/3264905.

7 of paragraph 11d) i. of the Framework, there are no policies in the Framework that protect areas or assets of particular importance which provide a strong reason for dismissing the appeal. In these circumstances, paragraph 11 d) ii. is engaged.

31. The moderate benefit of adding two additional dwellings to the housing supply and the benefits of the proposal to the local economy attract moderate weight in favour of the proposal. However, the harm caused by the conflict with the Framework's requirement that decisions should contribute to and enhance the natural environment; and that developments are visually attractive, sympathetic to local character and ensure safe and suitable access for all users, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

32. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR