



Appeal Decision

Site visit made on 24 September 2025

by **K Jones BA (Hons) DipLA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/U1105/W/25/3368734

Pitney Water Storage Tank, Road Past Pitney Farm, Broadhembury, Devon, EX14 3LE

- 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 Stoykov against the decision of East Devon District Council.
 - The application Ref is 25/0583/FUL.
 - The development proposed is the conversion and extension of the existing building to provide a two bedroom dwelling and the erection of a double garage.
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Decision

1. The appeal is dismissed.

Planning History and Main Issues

2. Planning permission was approved¹ in 2023 for the conversion of the appeal building to form a dwelling. In 2024, an amended scheme for the conversion and extension of the building to form a dwelling along with the introduction of a car port was refused² on two grounds; its effect on the character and appearance of the area and the Blackdown Hills National Landscape, and its effect on trees. The appeal now before me follows the refusal of a subsequent amended scheme.
3. Having reviewed the submitted evidence, the main issues are (i) the effect of the proposal on the character and appearance of the area and the Blackdown Hills National Landscape; and (ii) whether the site is a suitable location for the proposed development having regard to local policy and the accessibility of services and facilities.

Reasons

Character and appearance

4. The appeal site lies at the northern-most corner of an agricultural field south of Broadhembury. The land slopes down to the west, with expansive views from the site. The immediate site context is undeveloped agricultural fields bound by native hedgerows with frequent hedgerow trees. The closest development features include a farm complex to the south comprising a traditional rendered farmhouse, a range of stone-built barns, and several larger modern agricultural buildings. To the north, a small group of rendered houses address the lane behind front gardens. Beyond these, the village of Broadhembury has a distinctive character of traditional thatched cottages.

¹ Application reference 22/2697/FUL

² Application reference 23/2294/FUL

5. In this context, there is a diverse mix of building materials, proportions, and detailing, reflecting the varied uses and ages of barns, farm buildings, and rural dwellings. The proposed dwelling would draw design features and materials from across this palette, but in doing so would create a confused and inconsistent design that fails to successfully reflect either traditional residential forms or the functional character of agricultural buildings in the area. The inclusion of prominent wall dormers also lacks local precedent, further distancing the proposal from its context. This would lead to a dwelling which would not be strongly rooted in the previous utilitarian use of the site, nor sensitive to the rural landscape of the area.
6. The existing building is visible from the adjacent lane through gaps in the hedgerow, and from Wilderness Lane to the north through the site entrance. Though somewhat dilapidated, as a modest structure with a functional link to its location, the water storage tank makes a neutral contribution to the character of the site and its surroundings. While visibility is otherwise limited, the proposed increase in height and massing of the building would be readily apparent. Together with the uncharacteristic appearance of the building and its domestic context, the proposal would create a visually prominent and incongruous development which would harm the character and appearance of the appeal site and its immediate surroundings.
7. The Blackdown Hills National Landscape lies to on rising ground to the east. Given the intervening vegetation and the sloping topography, the proposals are unlikely to be widely visible from within the National Landscape. Nevertheless, the change in character in the immediate site context, and the introduction of visually prominent and uncharacteristic development would fail to conserve the landscape character and local distinctiveness of this part of the designation.
8. Accordingly, I find that the proposal would result in unacceptable harm to the character and appearance of the area and the Blackdown Hills National Landscape, in conflict with Strategy 7, Strategy 46, and Policy D1 of the East Devon Local Plan (2013-2031) (the Local Plan). Amongst other matters, these require proposals to conserve and enhance the landscape character of the area, and ensure that the scale, massing, and fenestration of buildings relate well to their context. While the effects of the development would be relatively localised, there is no qualification within the policy that unacceptable effects can only be caused by significant or widespread harm.

Whether a suitable location

9. Strategy 1 of the Local Plan directs residential development towards the District's West End and its main towns, with development in smaller towns, villages and rural areas meeting local needs. Isolated from any of the named towns or smaller settlements, there is no dispute between the parties that the appeal site is located in the countryside for the purposes of the development plan. In such cases, Strategy 7 of the Local Plan identifies that development will only be permitted 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.
10. Described as a conversion, the proposal falls to be considered under Policy D8 of the Local Plan, which is supportive of the re-use of rural buildings outside of settlements. Criterion 2 of the policy requires that the building be structurally sound and capable of conversion without the need for substantial extension, alteration or

reconstruction. While the proposal would retain the lower ground floor walls of the water storage tank and part of its pump room construction, the upper ground floor would be re-built with significant changes to the walls and roof, along with a single-storey extension to the east. The height and massing of the main building would increase, and a separate garage would be introduced. Together these works would amount to the substantial extension, alteration and reconstruction of the original building, contrary to Criterion 2.

11. For residential proposals, Policy D8 also requires that development is located close to a range of accessible services and facilities to meet the everyday needs of residents. Policy TC2 also says that new development should be located so as to be accessible by pedestrians, cyclists and public transport, and be well related to compatible land uses so as to minimise the need to travel by car.
12. The previous approved planning permission relied upon the exemption contained in (then) paragraph 80 of the National Planning Policy Framework (the Framework). This allowed isolated homes in the countryside where the development would re-use redundant or disused buildings and enhance its immediate setting. In such scenarios, the Council considered the location requirements of Policy D8 were superseded by the Framework. While such an exemption still exists in the latest version of the Framework³, it has not been put to me that the proposal would comprise the re-use of the redundant building in the context of the Framework.
13. Without this exemption, the appeal proposal would be isolated from services and facilities. Located along a narrow, unlit, and sloping rural lane that would be unattractive to pedestrians and cyclists, it would not minimise the need to travel by car. As such, the proposal would not be supported by Policy D8, and would also conflict with the location requirements of Policy TC2.
14. No other policies have been brought to my attention that would explicitly permit the proposed dwelling in this location. Given my findings on character and appearance, the proposal would also fail to accord with the second part of Strategy 7, harming the distinctive landscape qualities of the area in which it is located. I therefore conclude that, the appeal site is not a suitable location for the proposed development having regard to local policy and the accessibility of services and facilities, and there would be conflict with Strategy 1, Strategy 7, and Policy TC2 of the Local Plan.

Other Matters

15. The appellant highlights the extant planning permission for the conversion of the building to a dwelling, and states their intention to build this scheme if the current appeal were to fail. There is no evident reason why this could not happen. Accordingly, there is a greater than theoretical possibility that the extant permission would be implemented, and it therefore represents a genuine 'fall-back' position.
16. The appeal scheme's conflict with the development plan relates in part to the suitability of the site for housing in the countryside, remote from any settlement. While the appeal proposal would introduce an additional bedroom and a detached garage, the dwelling would likely be used in the same manner as the fall-back scheme, with similar levels of occupation and use of local services and facilities.

³ Paragraph 84 of the National Planning Policy Framework, December 2024

The principle of a similar residential dwelling at the site can therefore be afforded significant weight against this policy conflict.

17. The dwelling would be constructed to high sustainability standards, including high insulation values, with renewable energy generation and storage, and an off-grid water connection. These would be benefits of the appeal proposal over the fall-back scheme. Notwithstanding this, the fall-back scheme would be a low-level, modest conversion. Its design makes clear reference to the original structure, form, and scale of the water storage tank. While modern in appearance this would result in a utilitarian but functional character of relevance to its location. There would be some domestication of the site surroundings, however, associated with a considerably smaller massing of development, this would be less visually prominent than the proposal now before me.
18. My attention has been drawn to an appeal decision⁴ in which the Inspector found the existence of a fall-back position carried greater weight than the conflict with the Council's strategic housing and accessibility policies. However, in that instance, the Inspector found no harm to character and appearance from the proposal. That is not the case with this appeal, and the findings of that Inspector therefore carry limited weight in my considerations.
19. Reference has also been made to Class Q⁵ permitted development, which can be identified as a fall-back position for subsequent design alterations in residential conversions. While an example is highlighted⁶, I have limited information with which to draw meaningful comparisons with this appeal, including the context of that site, design changes between the Class Q and subsequent applications, or any other considerations before the Council. In any event, it has not been put to me that the appeal site benefits from Class Q or any other permitted development rights that would create a further material fall-back position for the proposed development. Accordingly, Class Q and its potential use as a fall-back position in other situations has no bearing on my consideration in this appeal.
20. Overall therefore, while the presence of a fall-back position provides considerable justification for the siting of a dwelling in this location, and there are some other benefits associated with the new proposal, the greater harm that would arise from the proposed scheme means that the fallback does not weigh in favour of this proposal.
21. That the Council has found no unacceptable harm in respect of matters including heritage, neighbour amenity, highway safety, parking, biodiversity, trees, drainage and flooding are neutral considerations that do not carry weight in favour of the appeal.
22. The evidence indicates that the dwelling would be self-build. I have not been provided with information on the local need for self-build dwellings. However, the National Planning Policy Framework (the Framework) identifies the need to provide housing for different groups, and recognises the value of small sites including self-build housing. Nonetheless, based on the evidence before me, should planning permission be granted, no mechanism, such as a signed legal agreement, would exist to guarantee the proposed dwelling would be constructed and occupied as a

⁴ Appeal reference APP/U1105/W/24/3357175

⁵ Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to the conversion of agricultural buildings to dwellinghouses.

⁶ Application reference 19/2786/PDQ and subsequent applications.

self-build. Accordingly, I can only attribute very limited weight to the self-build nature of the appeal proposal.

23. The provision of a dwelling would support the Government's objective to significantly boost the supply of homes. There would also be economic and social benefits both during the build and in the subsequent occupation of a dwelling that would meet the Nationally Described Space Standards. However, as only a single unit of accommodation would be provided, I attribute these benefits limited weight.
24. The appellant has highlighted inconsistencies in the Council's decision making in respect of the refused revised scheme in 2024 and the current appeal scheme. However, while I have had regard to the planning history of the site and read the appellant's correspondence with the Council, the 2024 decision has little bearing on my considerations in this appeal, and I have reached my own conclusions on the scheme before me.

Planning Balance and Conclusion

25. The Framework sets out that decisions should protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside. It indicates that great weight should be given to the conservation of the National Landscape. Therefore, given the limited weight ascribed to the benefits of this scheme, the harm to the character and appearance of the area significantly and demonstrably outweighs the benefits when the policies of the Framework are taken as a whole.
26. For the reasons given above, I find that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR