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# Appeal Decision

Site visit made on 6 January 2021

by **Nick Davies BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

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**Appeal Ref: APP/X1118/W/20/3255871**

**Little Shortridge, Warkleigh, Umberleigh EX37 9DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Gillanders against the decision of North Devon District Council.
  - The application Ref 71198, dated 21 February 2020, was refused by notice dated 22 June 2020.
  - The development proposed is to reinstate dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - a) Whether the site is suitable for a dwelling, bearing in mind the settlement policies of the development plan and the accessibility of services and amenities;
  - b) The effect of the development on the character and appearance of the countryside; and,
  - c) The effect of the development on biodiversity.

## Reasons

### *Settlement policies and accessibility of services*

3. The appeal site lies in a rural area approximately 2 kilometres to the northwest of Chittlehamholt and 2.8 kilometres to the southeast of Umberleigh. There is a complex of agricultural buildings approximately 200 metres to the west, and a stone-built barn about 50 metres to the north. Apart from these buildings the site is surrounded by open agricultural land. It therefore lies in the countryside outside any settlement.
4. The site contains the remnants of a long-abandoned dwelling, and the proposal is described as being for its reinstatement. However, apart from one gable end and chimney, the walls of the derelict building have not generally survived above the height of the ground floor window openings, and the ruins are largely overgrown with vegetation. As long ago as 1985, an Inspector's decision<sup>1</sup> concluded that the remains "*were far too dilapidated to form the basis*

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<sup>1</sup> Appeal Ref: T/APP/G1115/A/84/17989/P4

*of a new dwelling, and the state of them led me to the conclusion that a dwelling had not been occupied on the site for many years”.*

5. Policy DM26 of the North Devon and Torrridge Local Plan 2011 – 2031 (adopted 2018) (the Local Plan) addresses replacement dwellings in the Countryside. The supporting text makes it clear that the Policy does not apply to derelict buildings where the residential use has been abandoned; such 'replacement' would be regarded as a new dwelling. Accordingly, notwithstanding the description of the proposal, I have considered the appeal on the basis that it is for a new dwelling in the countryside.
6. The settlement strategy of the Local Plan directs most new development to northern Devon’s Sub-regional Centre, Strategic Centre and Main Towns. Policy ST07 addresses the spatial strategy for the rural area, where Local Centres will be the primary focus for development. In the countryside, beyond villages, development is limited to that which meets local economic and social needs, rural building reuse, and development which is necessarily restricted to a countryside location.
7. There is no evidence to indicate that an open market dwelling in this location would meet any local economic and social needs. Furthermore, it has not been sought to demonstrate that a countryside location is required for the dwelling, for example, to meet the needs of an agricultural business. Consequently, there would be conflict with Policy ST07, unless the proposal was for rural building re-use.
8. Policy DM27 of the Local Plan addresses the re-use of disused and redundant rural buildings. Such proposals are supported, subject to certain criteria being met, one of which is that the development can be achieved without significant external alteration, extension or substantive rebuilding. Very little of the original building remains, and no structural evidence has been submitted to demonstrate that the remnants could be retained as part of a reinstatement. Even if they could, they would amount to a very small proportion of the resultant building. Almost the entire first floor, and the whole roof would be newly built. The extent of the necessary work would amount to substantive rebuilding. The development would not, therefore, be supported by Policy DM27, so would conflict with the settlement policies of the development plan.
9. Chittlehamholt has a limited range of services, including a community shop, village hall and pub. However, occupants of the dwelling would have to travel about four kilometres by road to obtain these services. As the roads are narrow, unlit and do not have footways or cycle lanes they are not conducive to sustainable modes of transport. Furthermore, there is no evidence that there are any public transport facilities along these roads. There may be more direct routes, via public footpaths, but they would also be unlit and would still involve a walk of more than 2 kilometres. The services at Umberleigh are similarly distant. Higher order facilities at South Molton are about 8 kilometres away, and not easily accessible by public transport. Occupants of the dwelling would, therefore, be heavily reliant on private vehicles to access services and facilities.
10. Paragraph 79 of the National Planning Policy Framework (the Framework) advises that planning policies and decisions should avoid the development of isolated homes in the countryside, other than in specified circumstances that do not apply to this case. The physical separation of the site from any

recognised settlement, and its remoteness from services, means that the proposed dwelling would be an isolated home in the countryside.

11. Therefore, having regard to the settlement policies of the development plan, and the inaccessibility of services and facilities, the site is not suitable for a dwelling. The proposal is contrary to Policies ST07 and DM27 of the Local Plan, which seek to limit development in the countryside, and set parameters for the re-use of rural buildings. The proposal would also conflict with the Framework's aims to avoid isolated homes in the countryside and to promote sustainable transport.
12. In arriving at this conclusion, I am mindful that planning permission has been granted for conversion of the stone barn, to the north of the site, to a dwelling. However, the evidence indicates that this proposal complied with Policy DM27 of the Local Plan. The re-use of a rural building is also one of the circumstances where paragraph 79 of the Framework allows for an isolated home in the countryside. This permission does not, therefore, alter my conclusion that the appeal site is not suitable for a new dwelling.

*Character and appearance of the countryside*

13. The appeal site lies on the eastern slope of a river valley in attractive countryside. The area is characterised by rolling agricultural fields, with copses and larger areas of woodland. Apart from isolated clusters of agricultural buildings, there is a general absence of development, which contributes to the tranquillity and landscape character of the area.
14. The remnants of the previous dwelling are visible from the opposite side of the valley, but their ruinous and overgrown condition mean that they have largely been assimilated into the landscape. The clearance of the vegetation, and the construction of a new first floor and roof, over an extensive building footprint, would result in a much more noticeable feature in the landscape. Although there is some tree screening immediately to the north and south of the site, the new house would be readily visible from the road on the opposite side of the valley, and from the higher land to the north. It would be an intrusive feature that would be harmful to the appearance of the largely undeveloped river valley slope.
15. The site is also visible from the public footpath that runs past the site. Due to the overgrown nature of the remains, they are currently barely discernible to passing walkers. This footpath would also form the access to the dwelling, and the plans indicate the provision of parking and turning facilities within the curtilage of the proposed dwelling. Some improvement to the existing track would be necessary to facilitate its regular use by domestic vehicles. The large new dwelling would be a much more obvious feature in the landscape, and would be visible along the length of the footpath when approaching from the east, as well as when passing the site. Together with the access improvements and vehicle parking provision, the proposal would have a significant and harmful impact on the character and tranquillity of the landscape as experienced by users of the footpath.
16. For these reasons, I conclude that the development would be harmful to the character and appearance of the countryside. Consequently, the proposal would be contrary to Policies ST14 and DM08A of the Local Plan, which seek to ensure that development protects and enhances local landscape character and

distinctiveness, including its tranquillity. It would also conflict with the Framework's aim to ensure that development contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside.

### *Biodiversity*

17. The Council's Sustainability Officer has commented that the application did not include enough detail to assess the impacts of the proposal on protected habitats and species. In these circumstances, the Council considered that a Preliminary Ecological Assessment should have been undertaken to inform any decision on the proposal. No further expert evidence has been submitted with the appeal.
18. Taking account of the evidence before me, the building does not have a roof, so is unlikely to provide significant roosting or nesting facilities for those protected species normally associated with barns. The overgrown nature of the building, and the presence of trees and other vegetation within the site may provide habitat for a range of species. The proposals are, however, largely limited to the part of the site where the previous building was located. The larger site could be retained without significant disturbance, and could accommodate mitigation and enhancement measures.
19. I therefore conclude that it is unlikely that the development would result in harm to protected species that could not be suitably mitigated, and that there is scope to achieve net gains. However, in the absence of evidence to demonstrate the absence of protected species, I cannot safely conclude that this is the case. In these circumstances I would have had to consider whether it was possible to impose a condition requiring the prior approval of an ecological survey, together with a requirement for a mitigation plan if any protected species were found to be present. This would have necessitated consultation with the parties. As I am dismissing the appeal for other reasons, I do not need to pursue this issue further.

### **Other Matters**

20. The appellant contends that the remnant building should have been listed, and that the proposal will facilitate the preservation of historic building features, including a bread oven. However, little evidence has been provided regarding any special historic or architectural interest of the previous building. In any event, little of it remains, so the benefit of preserving the ruins carries little weight in my decision.
21. It is also suggested that the development would be likely to reduce travelling to the site, due to its current use. However, apart from a small amount of external storage, there did not appear to be any significant activity on site that would generate more traffic than a large family dwelling.

### **Conclusion**

22. For the reasons given above, I conclude that the appeal should be dismissed.

*Nick Davies*

INSPECTOR