

**Marwood House
Offwell
Honiton
EX14 9RW**



Planning Statement

Change of use from agricultural use to domestic/garden use

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1.0 Introduction

This Statement is to accompany a planning application to East Devon District Council for the change of use of agricultural land to domestic/garden use.

2.0 Site Description and Access

Marwood House is a detached two storey dwelling located within the designated East Devon Area of Outstanding Natural Beauty (AONB) countryside.

The application site comprises part of an agricultural field situated to the east of Marwood House. The land is surrounded by woodland and slopes towards the southeast. Access is via existing vehicle and pedestrian access which is separate to the main entrance to the house. In addition, there is a path to the main house.



In paddock looking west



In paddock looking east

3. Proposal

The applicants are seeking permission to change the use of this part of the agricultural field to domestic land/garden. In 2022 the applicants applied to EDDC for permission to construct a granny annex on the site and this was refused. The application was refused

in part due to the proposed development being located outside of the recognized garden curtilage for the existing dwelling and as such it represented an incursion into the open countryside. That planning application included a location plan which showed the whole of the property owned by the applicants as the proposed site. The applicants took the decision to appeal but the appeal was dismissed. However, the planning inspector highlighted that as the evidence regarding the status of the land was limited on both sides, a change of use application for the land would be needed to recognize the entirety of the red line site are to be considered a single planning unit in residential use.

The applicants have considered this advice from the planning inspector and as a result now wish to apply for such a change of use. However, the applicants are not seeking permission for the whole of their land to be changed to domestic use. As can be seen by the location plan submitted with this application, the applicants are only seeking permission for a change of use for the land which they already use as domestic garden. In effect they are merely seeking to regularize the use of this part of their land as domestic garden.

The main issue is the effect of the proposal on the character and appearance of the area. The applicants maintain that changing the use of this parcel of land from agricultural use to garden/domestic use will not adversely affect the character and appearance of the area.

The Council dispute that the land in question is part of the garden associated with Marwood House as stated by the applicants. The Council in part relies on the location plan submitted by a previous owner of the dwelling in 2010 when an application was submitted for a single storey extension. The applicants are of the view that the Council should not be able to rely on a location plan submitted over 13 years ago as current evidence as to the extent of garden curtilage of the dwelling. It is clear that over the last 13 years the garden curtilage of the dwelling has evolved.

The land has already been domesticated by the introduction of a concrete base in 2014, a chicken run and a vegetable garden. There are a number of detached garden outbuildings and enclosures situated to the east of Marwood House and as stated by the planning inspector (APP/U1105/D/22/3306390) the situation on the ground now is that the domestication of the land has extended beyond what may have once been the originally defined garden of Marwood House. This is evidenced by the number of detached outbuildings, planted areas and enclosures dotted throughout the middle of the area outlined in red on the submitted location plan, many of which are in the northern, flatter parts of the site, which is the subject of this application.

The application site is as can be seen from the photographs below gently slopes from north to south. The land then slopes steeply down to the boundary of the property and is densely populated by a number of trees. To the east of the application site is a

paddock area which again gently slopes to the south east boundary. The applicants are not proposing to use these parts of their land as garden and instead will retain this as woodland and paddock with the gated access remaining.

However, the application site has been domesticated over time and now includes a vegetable plot, the hardstand concrete base, mowed lawn and a garden shed. This part of the site lends itself well to garden use as has been shown with the remainder of the land retained as agricultural land to which it is suited.



Looking towards paddock from garden



Vegetable plot looking towards paddock



Looking towards house from bottom of paddock

Over time the contained garden shown in the location plan attached to the 2010 application merged with the adjoining land to form a single planning unit as shown and linked to the residential use of Marwood House.

4.0 Planning History

- 10/0669/FUL – Single storey extension – Approved.
- 22/0481/FUL – Construction of a single storey detached granny annex with associated decking. Refused.
- APP/U1105/D/22/3306390 – Appeal dismissed.

5.0 Planning Policy

The following policies are considered to be relevant:

National Planning Policy Framework
National Planning Policy Guidance

EDDC Local Plan 2013-2031

- D1 – Design and Local Distinctiveness
- Strategy 7 – Development in the Countryside
- Strategy 46 – Landscape Conservation and Enhancement and AONBs

The application site according to the above policies lies within open countryside. Strategy 7 (Development in the Countryside) of the EDDC Local Plan (2013-2031) confirms that development is permissible provided it does not cause significant visual intrusion or harms the designated areas. The site has been used as domestic land for several years and it is clear that it does not cause significant visual intrusion nor does it harm the designated area. The majority of the land will be retained for agricultural use.

6.0 Conclusion

- The applicants are firmly of the view that the site is part of the garden of Marwood House. However, it is clear that this has never been formally confirmed by way of a change of use application and that the Council view the site as being agricultural land.
- The applicants therefore now seek to regularize their use of the land as part of the garden associated with Marwood House.
- The use of the land as garden will not adversely affect the area in which it is situated as the land has been used as a garden for many years without issue.