

Appeal Decision

Site visit made on 27 September 2016

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2016

Appeal Ref: APP/Y1138/W/16/3149697

Muxbeare, Muxbeare Lane, Willand, EX15 2RF

- 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 and Mrs Graham Kerslake against the decision of Mid Devon District Council.
 - The application Ref 15/01692/FULL, dated 14 October 2015, was refused by notice dated 8 April 2016.
 - The development proposed is the sub-division of one dwelling into two dwellings, the installation of one dormer window, and the formation of an additional vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposed sub-division represents sustainable development in the context of its location and accessibility to services and facilities, and
 - the effects of the proposed sub-division on highway safety along Muxbeare Lane.

Reasons

3. Muxbeare is a large detached bungalow situated in countryside just outside of the built-up area of Willand. It is accessed from Muxbeare Lane, a narrow winding road leading from the B3181 into the countryside beyond. Muxbeare Lane runs to the north-east of Mid-Devon Business Park and serves a small number of dwellings and other properties beyond the appeal site. The proposal would involve the sub-division of the existing 4-bedroom, chalet-style bungalow into two 3-bedroom, semi-detached bungalows. There would be little alteration to the existing structure of the dwelling, although a new dormer extension would be added to the first floor room at its north-eastern end, and a new parking area would be created to serve the second dwelling created.
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Sustainability

4. The National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The proposal would result in the creation of a new dwelling and it would not appear to meet any of the criteria for special circumstances outlined in the document.
5. The appeal site is around 1 Km from the village of Willand, which would appear to have a limited range of facilities scattered around the settlement, but no clearly identifiable centre. The distance of the appeal site from the facilities of the village, coupled with the narrow nature of Muxbeare Lane, which has no footpaths or street lighting, makes it likely that occupiers of the new dwelling would be dependent to a large extent on a car to access the scattered services offered in the village and nearby settlements.
6. On this basis, I consider that the proposal would not represent sustainable development and it would conflict with national policy as set out in the NPPF. It would also conflict with Policies COR 1 and COR 9 of the Council's Core Strategy (CS), which relate to sustainable development and, in particular, to the accessibility of development and reducing the need to travel by car. Finally, it would conflict with Policies DM 1 and DM 2 of the Council's Local Plan Part 3 – Development Management Policies (LP), which continue the thrust of sustainability and require the creation of safe and accessible places that also encourage sustainable modes of travel.

Highway Safety

7. The appeal site is located some 200 metres along Muxbeare Lane. Muxbeare Lane is a single-track road bounded by hedgerows along most of its length to the appeal site and beyond. The existing vehicular access to the site is located at its western end close to a sharp bend in the road. The proposed sub-division of the dwelling would result in a new access being created further to the east, with a new parking and turning area to the front of the new dwelling. Little information is given on the submitted plans regarding the proposed parking area, although it would appear from visual impression only that there would be enough room for the parking of two cars as required by the Council's parking standards. However, it is unclear as to whether the cars could be turned around on the site such that they could enter and leave in a forward gear.
8. In addition, it would appear unlikely that an adequate visibility splay could be provided from the new vehicular access in an easterly direction, owing to the existence of large hedgerows on the boundaries of neighbouring properties. This coupled with the potential for cars to have to enter or leave the appeal site in a reverse gear, leads me to conclude that the proposal would result in some potential harm to highway safety by way of inadequate access and manoeuvring facilities. Without further detailed information on this matter, I find that the proposal would be likely to conflict with Policy DM 2 of the LP, which requires the creation of safe and accessible spaces.

Other Matters

9. The Council has noted that there is no indication of amenity space on the submitted plans. This is so, although I have no information from the Council as

to what would be considered adequate amenity space, and there would appear at face value to be a large enough area of land to the rear of the dwelling to provide amenity space for two dwellings.

10. The appellants contend that other developments in the vicinity have been granted permission. Even so, I have no detailed information concerning the circumstances surrounding these examples, which may well be very different from that of the current proposal. In any case, I have dealt with this proposal on its own merits.

J D Westbrook

INSPECTOR