
Appeal Decision

Site visit made on 4 October 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 17th November 2016.

Appeal Ref: APP/X1118/W/16/3153681
North Street, Witheridge EX16 8AG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Nicola Parker against the decision of North Devon District Council.
 - The application Ref 61044, dated 12 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is described as: "The proposed development comprises a single dwelling. The application is submitted in outline with details of appearance, scale, landscaping and layout reserved for future consideration. Details of access are provided in detail at this stage".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for subsequent approval, except for access. I have considered the appeal on this basis, taking into account the access details shown on the Proposed Site Layout, Ref ABS 1488 005 Rev A, dated 12.04.16. I have treated all other details shown on this plan and the Elevations, Ref 1488-006 dated April 2016, as indicative.

Main Issue

3. The main issue is whether the proposal would be a suitable form of development in this location, with particular regard to: (i) its effect on the character of the local landscape and the setting of the village; (ii) pedestrian access to the village and; (iii) the provision of affordable housing.

Reasons

4. The appeal site is a rectangular plot of land which forms part of an open field currently in agricultural use. The site adjoins residential development to the west with open fields to the south and east. On the opposite side of North Street there is an access to a stable block, although the building itself is screened by established trees and hedges. I also saw from my site visit that there is cluster of agricultural buildings in the field to the east, which is partially screened by the Devon hedgebank.
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5. It is clear from the Council's appeal statement that there are concerns in respect of the effect of the development on the character of the local landscape and the setting of the village. The appellant has had the opportunity to respond to these concerns and I have considered this issue, as set out below.
6. The site lies just outside the settlement development limit for Witheridge as defined by saved Policy HSG2 of the adopted Local Plan¹. The Council has proposed to retain the village boundary in the emerging Joint Local Plan² due to the strong and legible boundary between the village and the countryside. There is a clear physical demarcation and marked change in character between the built up part of the village to the west of the appeal site and the adjoining countryside. This is due to the established trees, hedgerows and hedgebank that border the road. Also, the road narrows slightly at this point and there is a lack of urbanising features such as a footway and street lighting. Consequently, the part of North Street in front of the appeal site, and to the east, has the appearance of a rural lane.
7. The appellant considers that the proposal would reflect the character and reinforce the prevailing pattern of development on the approach to the village. However, the development includes a new access on to North Street. The Access Statement³, submitted in support of the planning application, advises that the new access would be 3.0m wide and would have a splayed entrance. Due to the estimated speed of traffic, visibility splays at the access would be 2.4m x 33.0m in the westerly direction and 2.4m x 43.0m to the east, as shown on the site layout plan.
8. In order to create the access with the required visibility splay, a substantial length of the established hedgebank would need to be removed and re-laid. This would lead to a widening of the road which, combined with the new access, would have an urbanising effect on this part of North Street. The alterations to the lane would not reflect its established rural character. Moreover, the village boundary follows a clear landscape demarcation and the development would appear as an intrusive form of development in the adjoining countryside, which would adversely affect the setting of the village. I am not satisfied that the adverse effects of the development could be overcome through the use of conditions, as the appellant suggests.
9. The National Planning Policy Framework (the Framework) requires all housing applications to be considered in the context of sustainable development and therefore the benefits of the proposal must be taken into account. The development would have a limited economic benefit during construction and future occupiers are likely to support the small businesses and community facilities operating in the village. The site is located within walking distance of the local facilities, although the Council has concerns about pedestrian safety due to the lack of a footway and street lighting. However, having regard to the findings of the Access Statement⁴, I am satisfied that future occupiers would be equally as likely to access local facilities by walking as by the private car.
10. The development would also make a very small contribution to the supply of open market housing in the local area. However, the Council cites Policy HSG8

¹ North Devon Local Plan 1995 to 2011 (adopted 2006)

² Joint North Devon and Torridge Local Plan 2011-2031 Submission Draft

³ Access Statement – Transportation and Highways, dated 11 September 2015, Report No BTC15036/001 Rev A

⁴ Access Statement – Safe Pedestrian Connection, dated 25 July 2016, Report No BTC15036/002

which supports residential development on sites adjacent to the built up part of a settlement, subject to certain criteria, and providing the housing would meet an established local housing need. The development would be open market housing and would therefore be in conflict with Policy HSG8.

11. The appellant highlights a recent Court of Appeal judgment.⁵ The effects of this judgement are that the policies in the Secretary of State's Written Ministerial Statement of 28 November 2014 (WMS) as to the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, must once again be treated as a material consideration in development management decisions. Whilst the WMS has significant weight as Government policy alongside the Framework, it is not relevant in this case as the Council is not seeking a contribution for affordable housing via a tariff style planning obligation.
12. As described above, the development would not reflect the rural character of this part of North Street and would adversely affect the setting of the village. Therefore, it would not meet the aims of saved Policy ENV1, which seeks to ensure that development in the countryside protects or enhances its beauty and the diversity of its landscape, and saved Policy DVS1 which seeks to ensure development achieves specified design principles including responding to and reinforcing the positive character of settlements. Part of the environmental role of sustainable development is the contribution to protecting and enhancing the natural environment and I have found that this harm outweighs the economic and social benefits. I appreciate that the appellant has a personal attachment to the area, and the appeal site has sentimental value, but this personal benefit does not outweigh the conflict with planning policy.

Other Matters

13. It is unclear from the evidence before me whether or not the Council can demonstrate a five-year supply of deliverable housing sites. In determining this appeal it would not be appropriate for me to attempt to make an assessment and reach a conclusion on this matter.
14. However, even if the Council cannot demonstrate a five-year supply and, consequently, the relevant saved policies ENV1 and HSG8 were considered to be out-of-date, I find that the adverse environmental impacts of granting permission would significantly and demonstrably outweigh the social and economic benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

15. Having had regard to all matters raised including other appeals referenced by both parties and the support of the Parish Council, I conclude that the proposal would not be a suitable form of development in this location. Therefore, the appeal is dismissed.

Debbie Moore

Inspector

⁵ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441