
Appeal Decision

Site visit made on 15 November 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/Q1153/W/16/3155377

Land at Ngr Sx485750, Old Exeter Rd, Tavistock, Devon.

- 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 Mr & Mrs M Stephens against the decision of West Devon Borough Council.
 - The application Ref 00979/2015, dated 12 August 2015, was refused by notice dated 5 February 2016.
 - The development proposed is 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved. I have determined the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether the site provides a suitably accessible location for the proposed development.

Reasons

Character and appearance

4. Although Old Exeter Road becomes progressively more developed as it heads away from the appeal site and towards the centre of Tavistock, this particular part of the street maintains a distinctly rural appearance. One side of the road contains a row of dwellings, beyond which there is undeveloped land. The opposite side of the road is an open field with a mature hedgerow running along the street frontage. The existing row of dwellings is physically separated from other dwellings further to the south-west by trees and hedges. Similarly, fields, hedgerows and trees also dominate the street scene to the north, as the road heads further into the open countryside. Consequently, the street scene in this part of Old Exeter Road maintains a particularly open and verdant appearance consistent with a rural setting.
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5. The appeal site forms part of the open field on the opposite site of the road from the existing row of dwellings. Although the application was made in outline, any design of housing in this particular location is likely to be conspicuous, even it were set back from the street frontage. The field slopes gradually upwards to the west and therefore the proposed dwellings would be constructed on land that is elevated above the level of the road. Hence, whilst hedges and trees may help to provide a degree of concealment, at least some parts of the proposed dwellings are likely to be visible over any boundary screening. Furthermore, the dwellings would need to be accessed and this is likely to require removal of a section of existing hedgerow, thereby visually exposing the site and creating a more developed frontage. The new dwellings would also be seen in some longer views elsewhere within the surrounding landscape, thereby increasing the quantum of built development visible within this part of the open countryside.
6. The impact of the proposal would therefore be to urbanise the street scene by introducing housing on a side of the road that is presently characterised by its undeveloped, rural appearance. The scheme would extend the built form of Old Exeter Road further into the open countryside in a sporadic fashion. Hence, the open, verdant and rural appearance of the street scene would be harmed. In reaching this decision, I have considered the Council's argument that the proposal would set a precedent for similar developments within the street. There are clearly opportunities to develop elsewhere along the road frontage and therefore allowing this appeal would make it more difficult to resist similar planning applications. The cumulative effect of this would exacerbate the harm that I have identified above.
7. The appellants refer to a number of planning permissions that have been granted elsewhere in the vicinity. Whilst some of the approved developments are in rural locations, I am not aware of the full circumstances of each site. Based on the evidence before me, it appears that character and appearance were not determining factors in those cases. As such, I do not consider that a convincing precedent has been established by these previous decisions. Besides, my own assessment of the appeal proposal is that it would harm the appearance of the countryside in this location.
8. I therefore conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policy NE10 of the West Devon Borough Council Review 2005 (the Local Plan) and Policy SP17 of the West Devon Borough Council Core Strategy 2011 (the Core Strategy). Amongst other things, these policies aim to preserve local distinctiveness. The proposed development would also conflict with a core principle of the National Planning Policy Framework (the Framework) to recognise the intrinsic character and beauty of the countryside.

Accessibility

9. The Framework makes it clear that new development should be located where priority can be given to pedestrian and cycle movements and where conflicts with traffic can be minimised. I recognise that the route into town is a short drive along Old Exeter Road and is within a reasonable cycling distance. However, whilst there is street lighting for the majority of the route, there is a relatively long section to the south-west of the appeal site where there is no pavement. This corresponds with a narrowing of the road where there is very

limited space for vehicles and pedestrians to pass at the same time, including an especially narrow section which passes under a bridge.

10. The potential for conflict between traffic and pedestrians along this route is therefore substantial. For example, whilst it is argued that the site is within walking distance of St Rumon's Primary School, the lack of pavement and narrow width of the street would not make it a particularly safe or attractive option for parents with young children or pushchairs. Furthermore, I have not been provided with any evidence to indicate that the appeal site is well served by public transport, apart from that which is located within the town centre. Hence, while the site is located closer to the town centre than some dwellings within the built-up area of Tavistock, it does not benefit from a particularly high degree of accessibility when considered against all modes of transport. Overall, the proposed development would not contribute to a pattern of growth that would make the fullest possible use of walking and public transport, which is one of the core principles of the Framework.
11. I am aware that the Core Strategy aims to focus growth towards Tavistock and that the Council has identified a number of potential housing sites for inclusion in the emerging Local Plan. Based on the map supplied by the appellant, it appears that some of these potential sites are further from the town centre than the appeal site. However, strategic housing allocations of this nature are likely to be sizeable developments with opportunities to provide infrastructure for local facilities, public transport and pedestrian and cycle linkages.
12. The appellant refers to an Appeal Decision¹ for 23 dwellings at Brook Farm, but I note that in that case the Inspector recognised that a nearby Core Strategy allocation would inevitably lead to the improvement of pedestrian and cycle links in the future. I am not aware of any plans to improve such linkages in the vicinity of the appeal site. Whilst I have been referred to some examples of where the Council has granted permission² for housing development where there are no pavements, there is limited information before me to suggest that the individual circumstances of those sites are directly comparable to the appeal proposal. I have assessed the appeal proposal on its own merits.
13. I therefore conclude on this issue that the site would not provide a suitably accessible location for the proposed development. There would be conflict with policy SP1 and SP5 of the Core Strategy which, amongst other things, aim to direct development towards accessible locations. There would be no conflict with SP18 of the Core Strategy which concerns heritage. With regard to the Local Plan, there would be conflict with Policies H31 and NE10 which restrict development outside defined settlement limits. Although the proposal would not result in isolated housing in the context of paragraph 55 of the Framework it would nonetheless conflict with paragraph 17 and the core principle of making the fullest possible use of public transport, walking and cycling.

Other matters

14. I understand that the Council is unable to demonstrate a 5-year supply of deliverable housing land. In circumstances such as these, paragraph 49 of the Framework indicates that the relevant development plan policies should be

¹ Appeal Decision: APP/Q1153/W/15/3131710

² Council Ref: 01300/2014 & Council Ref: 01307/2013

considered out of date. Indeed, I note the Appeal Decision³ for two dwellings at Bridestowe where the Inspector gave limited weight to the settlement limit defined within the adopted Local Plan. With this in mind, I am conscious that paragraph 14 of the Framework states that there is a presumption in favour of sustainable development. Where the development plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

15. The Framework states that there are three dimensions of sustainable development; social, economic and environmental. Whilst the social benefit of providing three dwellings should not be overlooked, the proposal cannot be seen as a particularly substantial incursion into any shortfall. As such, I give this benefit limited weight. Similarly, whilst there would be economic benefits arising from the construction process, this would not be substantial. It has also been argued that the proposal would help to support local services and I have been referred to an Appeal Decision⁴ where this matter was given some weight in the consideration of a rural housing scheme at North Tawton. However, not a great deal of evidence has been put forward to demonstrate how only three dwellings could play a palpable role in maintaining the viability of local services within a town the size of Tavistock. As such, I give this matter only limited weight in my decision.
16. Turning to the environmental dimension of sustainable development, I have found that the proposed housing would harm the character and appearance of the area. I have also established that the dwellings would not be situated in a particularly accessible location. These harms conflict with core principles of the Framework and I therefore assign them significant weight in my decision. For the reasons given above, the adverse impacts of granting planning permission for the proposal would therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, including the imperative to boost significantly the supply of housing. Overall, the proposal does not represent sustainable development for which there is a presumption in favour.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Colin Cresswell

INSPECTOR

³ Appeal Decision: APP/Q1153/A/13/2196962

⁴ Appeal Decision: APP/Q1153/A/13/2196454