
Appeal Decision

Site visit made on 2 December 2016

by **C J Ball** DArch DCons RIBA IHBC

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

Decision date: 13 December 2016

Appeal Ref: APP/Q1153/W/16/3157958

Land adjacent to 113 Broad Park Road, Bere Alston PL20 7HJ

- 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 Jane Hyde (by permission of Mr N Harrison) against the decision of West Devon Borough Council.
 - The application Ref 2736/15/OPA, dated 18 November 2015, was refused by notice dated 26 April 2016.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was made in outline with all matters reserved. It is therefore an application for development in principle. An illustrative block plan shows a row of 10 houses. The layout could change at reserved matters stage and I take this plan as simply one indication of site potential.

Main issue

3. The main issue in this case is the effect development of the site would have on the character and appearance of the landscape.

Reasons

4. The site lies on the north-eastern edge of Bere Alston, adjacent to a ribbon of development along the north side of Broad Park Road and opposite the more built-up housing estate to the south off Alexandra Drive. It consists of a long, narrow field with an established hedge fronting the road. The site slopes slightly down from the road to the north, where a row of young trees adjoins the boundary, with open countryside beyond. The site lies in an area designated as the Tamar Valley Area of Outstanding Natural Beauty (AONB). The road is one of the 3 main routes into Bere Alston, carrying traffic from the B3257 Tavistock/Plymouth road into the village, and a 30 mph speed limit begins adjacent to the site.
 5. The site lies in open countryside, outside the defined development boundary of Bere Alston. Policy H31 of the West Devon Local Plan strictly controls development outside the defined limits of settlements in order to protect the countryside from non-essential forms of development. The proposal fails to meet the criteria for exceptions to policy so it is in clear conflict with policy H31.
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6. The Council acknowledges that it cannot currently demonstrate a 5 year supply of deliverable housing sites. Thus, as indicated in paragraph 49 of the National Planning Policy Framework, relevant policies for the supply of housing should not be considered up-to-date. Policy N31, by restricting the location of new housing, is a relevant policy for the supply of housing. It is not up-to-date so the policy conflict carries limited weight.
7. Framework 14 advises that, where relevant development plan policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole: or specific policies in the Framework indicate development should be restricted, as indicated in footnote 9.
8. Crucially in this case, Framework Chapter 11 sets out the specific policies for conserving and enhancing the natural environment. Framework 115 makes it clear that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Framework 116 goes on to say that planning permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest.
9. Irrespective of the number of dwellings proposed, the development of a 0.7 Ha site falls within the definition of major development.
10. Despite its proximity to existing development, the site, an open pasture field on high ground, has a distinctly rural character. It forms part of the wider landscape of the AONB, with spectacular panoramic views across the Tamar valley and the farmed landscape to the moorland hills of Dartmoor National Park beyond. The site lies in an area of great scenic beauty and plays a key part in the distinctive high quality landscape setting of the settlement. Development of the site would clearly undermine the contribution the site makes to the quality of the landscape and the setting of the village within it. The proposed development would not conserve the scenic beauty of this outstanding landscape.
11. The appellant puts forward no exceptional circumstances sufficient to justify the proposed development of this site. While the Council cannot demonstrate a 5 year housing land supply, it has, through the Local Plan process, identified other sequentially preferable sites which will meet local housing need. I note that these sites are endorsed by the emerging Bere Peninsula Neighbourhood Plan. This process accords with the Framework's core principle that planning for development should be genuinely plan-led.
12. I also note that the site was identified in the Council's SHLAA as potentially suitable for development, but that conclusion was qualified by the potential for conflict with AONB policy. In the event, the site was not selected for allocation. There is no specific need for the development proposed here and, in the circumstances where there is scope for developing more preferable housing locations, refusing it would have no real impact on the local economy.
13. While there would be some public interest in the provision of housing (potentially including a contribution towards affordable housing), that would be far outweighed by the detrimental impact on the landscape of the Tamar Valley AONB. The development of this site would provide no overriding economic or community benefit.

14. I have considered the range of other appeal decisions referred to by the appellant. Most are not in an AONB where a significantly different planning balance applies. The site at Woolacombe Road in Bere Alston was for a development of entirely affordable housing, meeting a pressing need. That weighed heavily in the planning balance in that case. I do not consider that any of these cases provides a convincing precedent for the development of this site.

Other matters

15. The application was refused in part because of the lack of a commitment to contribute towards the provision of affordable housing; to contribute to public open space; and to fund an investigation into extending the 30 mph zone.
16. The appellant acknowledges the requirement for affordable housing. Framework 50 makes it clear that the need should be met on site unless an offsite contribution can be robustly justified. I note that on-site provision was offered at an early stage, although the appellant has subsequently submitted a draft s106 unilateral undertaking to make a financial contribution towards affordable housing in West Devon. Neither a specific contribution nor a specific location is identified. Furthermore, in the definition of 'open market dwellings', the undertaking lacks clarity as to whether affordable housing would be built on site. In these circumstances I am not convinced that the undertaking as it stands is acceptable in policy terms or is in compliance with Framework 204 and CIL Regulation 122. Be that as it may, since the undertaking is not dated or signed, it cannot take effect and I can give it no weight in the planning balance.
17. The appellant disputes the need for a public open space (POS) contribution and refuses to fund an investigation into extending the speed limit. The Council's adopted POS SPD confirms that the threshold below which contributions are not required is 5 dwellings so the contribution is likely to be necessary to make the proposed development acceptable in planning terms. The failure to make the required contribution would conflict with relevant policy and guidance.
18. The road beside the site is narrow and poorly aligned. The addition of a new access and increased use of the road might well increase the risk of accident. An investigation into whether the 30 mph speed limit zone needs to be adjusted is clearly necessary in the interests of road safety. However, whether the cost of the investigation should fall to the appellant or whether it lies within the statutory duty of the highway authority is open to question and is not a matter I can resolve. The relevant conclusions might rely to some extent on the detailed design of the access and visibility splays. Since this is a decision in principle on an outline application I can take this matter no further.

Conclusions

19. The proposal would represent major development in the Tamar Valley AONB. The Framework makes a presumption against such development except in exceptional circumstances and where it is in the public interest. The appellant cannot demonstrate exceptional circumstances or overriding public interest. It can be argued that the provision of new housing would fulfil the economic and social roles of sustainable development. However, because the proposal would conspicuously fail to protect the highly valued natural environment of the AONB, it would not fulfil the environmental role. Since the 3 roles are mutually dependent, the proposal as a whole cannot be considered to be sustainable development.

20. I find that, in conflict with policy NE10 of the West Devon Local Plan and policy SP17 of the adopted West Devon Core Strategy, development of the site would have a seriously adverse effect on the character and appearance of the valued AONB landscape. For the reasons given above I conclude that the appeal should be dismissed.

Colin Ball

Inspector