
Appeal Decision

Site visit made on 3 November 2016

by Mrs Wendy Burden BA(Hons) Dip TP MRTPI

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

Decision date: 2 February 2017

Appeal Ref: APP/U1105/W/16/3157166

Land adjoining White Farm Lane, West Hill, OTTERY ST MARY, Devon EX11 1GF

- 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 A Lightfoot against the decision of East Devon District Council.
 - The application Ref 15/2052/OUT dated 01/09/2015, was refused by notice dated 21/01/2016.
 - The development proposed is the erection of a dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The application is in outline with all matters reserved for subsequent approval. The main issues are the effect of the proposal on the character and appearance of the area, having regard to the presence of trees around the application site; and whether the proposal would constitute unsustainable development.

Reasons

Policy background

3. The appeal site lies outside the boundary of the built-up area of West Hill as defined in the former East Devon Local Plan 2006, although it abuts the boundary on two sides. In the East Devon Local Plan 2013-2031, adopted in January 2016, it states at para 15.19 that a Villages Development Plan Document (DPD) will supersede the village Inset Maps of the former Local Plan. Strategy 27 states that West Hill is one of the villages that will have a built-up area boundary to be designated in the East Devon Villages DPD. That document is currently at draft consultation stage.
4. In the draft consultation document, the appeal site remains outside the built-up area boundary, and an objection has been lodged by the appellant seeking to have the site included within the boundary. In view of the early stage reached by the East Devon Villages DPD, I give the document little weight, although it remains a material consideration.
5. In the National Planning Policy Framework, (NPPF) para 14 sets a presumption in favour of sustainable development, and development which accords with the development plan should be approved without delay. The development plan at

the time of determining this appeal, is the East Devon Local Plan 2013-2031. The appellant argues that the absence of an adopted East Devon Villages DPD causes a void in respect of the development plan for those towns and villages listed in Strategy 27. However, whilst that DPD is being produced, the relevant development plan document for the determination of the appeal is the recently adopted Local Plan.

6. The NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The appellant accepts that the Local Plan demonstrates a five year supply of housing land across the District, but argues that windfall sites are expected to come forward from the settlements identified in Strategy 27. However, there is no evidence that the five year supply would depend upon the delivery of development at the appeal site. I therefore consider that the policies of the adopted Local Plan which relate to the supply of housing are up to date.
7. As a site which lies outside any designated built-up area boundary, it is located in the countryside where Strategy 7 applies. This states that development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. In this case there is conflict with Strategy 7 since there is no Local or Neighbourhood Plan policy which would explicitly permit the development. I consider the question of harm to the surrounding area below.

The effect on the character and appearance of the area

8. There are residential curtilages on two sides of the appeal site, but undeveloped fields to the south and west. The site forms a part of a larger area of land which had been planted with commercial forestry. Trees within the appeal site have been removed, with coniferous trees remaining within the area to the west of the appeal site. The boundaries to three sides of the appeal site contain mature trees and vegetation which form effective screens to the site. A new boundary would be required to the west. Some screening would be achieved from the remaining coniferous trees which lie beyond the site boundary. However, there are gaps between the trees such that the dwelling would be viewed from the open countryside beyond to the west.
9. Furthermore, in view of the age and condition of the trees, the planted area outside the site boundaries to the west is unlikely to provide a long term physical feature between the new dwelling and the more open countryside beyond. In the absence of a mature and identifiable boundary on the western side of the site, the new dwelling would be perceived as lying beyond the more established residential curtilages which make up this part of the settlement.
10. It is unlikely that further trees would need to be felled in order to accommodate a dwelling. However, future occupants of a dwelling in this position may seek to fell mature trees in order to gain additional light into the garden or to reduce the scale of leaf clearance required in the autumn. Any such felling would contribute to the intrusion of the new dwelling into the countryside.

11. The mature planted boundaries to the north and east of the site provide an identifiable boundary to the built up area of West Hill. I find that the proposed new dwelling would be an intrusive feature in the countryside, harmful to the character of the local landscape, in conflict with Strategy 7 of the Local Plan.

Unsustainable development

12. I have considered the appeal decision (ref APP/U1105/A/14/2215271) submitted by the appellant in respect of land at Knapp Cottage in West Hill. I agree with my colleague who accepted that it would be unreasonable to withhold permission for a development of this sort within West Hill on the basis of the need to travel by car. However this does not in itself mean that the development is sustainable. In the context of conflict with an up to date Local Plan and harm to the character of the local landscape, I find the scheme to be unsustainable.

Conclusion

13. I find that there has been a significant change in circumstances since the earlier appeal decision was taken. The Local Plan is now up to date, there is a five year housing land supply, and for the reasons set out above, I find that the proposed development would be in conflict with Strategy 7 of the adopted development plan. As a result I find that there is no presumption in favour of granting permission as set out in para 14 of the NPPF to outweigh the harm to the character of the countryside in which West Hill is located.
14. I therefore dismiss the appeal

Wendy Burden

INSPECTOR