
Appeal Decision

Site visit made on 17 January 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 03 February 2017

Appeal Ref: APP/K1128/W/16/3155335

Barnicott, Bridgend Hill, Newton Ferrers, Devon PL8 1BA

- 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 & Mrs Andy & Vicky Williams against the decision of South Hams District Council.
 - The application Ref 37/1831/15/F, dated 24 July 2015, was refused by notice dated 28 January 2016.
 - The development proposed is described as 'provision of new dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including the South Devon Area of Outstanding Natural Beauty (the AONB); and the effect on highway safety.

Reasons

Character and appearance

3. The appeal site is situated in a wider valley landscape that forms part of the AONB, which is afforded the highest status of protection in relation to landscape and scenic beauty. The appeal site is a paddock of rough grass, containing dilapidated timber structures, bounded by mature hedgerows. To the north and east, the site abuts further undeveloped land of grass and mature trees. Given the steep local topography, the undeveloped nature of the site is appreciable from a number of vantage points, including from across Newton Creek on the rise of Stoke Road.
 4. Residential development on the north side of Bridgend Hill clearly terminates at the access drive and garage associated with Barnicott. After this point, the north side of the lane becomes characterised by high banks of dense vegetation and a semi-rural appearance. Bridgend Hill itself marks a clear delineation between residential development that populates the lower slopes of the hillside and the undeveloped rural landscape that unfolds to the north and east. The open and undeveloped nature of the appeal site, as well as the scarcity of development on the north side of Bridgend Hill, reinforce the definition between the settlement edge and the open countryside and contribute positively to the area's verdant character and appearance.
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5. Separated from the Grade II-listed Barnicott by a domestic garden and tennis court, the appeal scheme would introduce a substantial detached dwelling and garage on the undeveloped parcel of sloping ground, with a new vehicular access proposed off Bridgend Hill. The proposal would remove the dilapidated sheds that currently occupy the site, and result in the overt and wholesale domestication of the rest of the undeveloped paddock. The change of use of the land would not reflect its less formally maintained character, nor that of the adjacent countryside.
6. While the Landscape and Visual Impact Assessment (LVIA) illustrates that the design and proposed planting building would lessen the conspicuousness of the development, it is clear that it would still be visible in the wider context. The extent to which the proposed vegetal boundary succeeds in providing screening does not alter the fact that, visible or not, the character of the site would be changed. Irrespective of its design and proposed materials, the appeal scheme would fundamentally change the use of the land and consolidate built form of a domestic use into the open countryside.
7. Moreover, the proposed access off Bridgend Hill would cut into the high-banked side of the sunken lane, introducing a heavily engineered solution into this country-lane setting. Even if the proposed retaining wall would eventually be softened by planting, the excavation would still reveal an area of hard-standing as well as the proposed garage and parking areas. The proposed access would consequently introduce domestic formality into the north side of Bridgend Hill, to the detriment of its semi-rural character and appearance.
8. For these reasons, I conclude the proposal would result in harmful encroachment from the settlement into the open countryside. It would therefore cause material harm to the character and appearance of the area, and to the landscape and scenic beauty of the AONB. As such the development fails to accord with Policy DP1, DP2 of the DPD¹ and Policy CS7 and CS9 of the Core Strategy² and insofar as they seek to ensure development respects and responds to the character of the site, settlements and landscapes; conserves or enhances the district's landscape character and AONBs. The scheme also fails to conform to the provisions within the Framework, notably the core principles that seek to secure high quality design that takes account of the character of different areas and recognises the intrinsic character and beauty of the countryside; as well as paragraph 115 that affords great weight to conserving landscape and scenic beauty of AONBs.

Highway safety

9. Although the Highway Authority consider the proposed new access wide enough to provide adequate visibility, they have expressed concern that the likely increase in pedestrian traffic along the narrow and unlit route of Bridgend Hill would impair highway safety. While I appreciate that vehicular and pedestrian traffic flow is likely to vary throughout the day and throughout the year, during my site visit I observed Bridgend Hill to be a busy route, with limited opportunities for vehicles to pass in both directions. The route is notably narrow as it curves along the length of the appeal site, which widens close to Barnicott Close and at the corner of Yealm View Road.

¹ South Hams Local Development Framework Development Policies Development Plan Document, 2010 (the DPD),

² South Hams Local Development Framework Core Strategy, 2006

10. The appeal scheme would introduce a cut-in access into the steep-sided bank on the north side of Bridgend Hill, where the route is at its narrowest point. While I note that the access would be on private land, a condition could prohibit any gating, and so it would reasonably provide an additional point of refuge at the narrowest point of the hill. It is also apparent that pedestrians would be able to access and depart from the site safely. The Council have not provided any evidence of the number of additional pedestrian journeys that the appeal proposal would be likely to generate. However, I consider that any material increase would be off-set by the access.
11. From the evidence provided and from my own observations on site, I am satisfied that the appeal scheme would safely accommodate the increased level of pedestrian movement that is likely to arise from the proposal. Consequently, it is unlikely that the proposal would result in any material increase in highway safety problems.
12. Taking the above matters into consideration, I conclude that the proposal would not have an adverse impact upon the safety of users of the highway network in the vicinity of the appeal site. Therefore, there would be no conflict with Policy DP7 of the DPD, which seeks, among other things, to ensure a development does not materially impair highway safety or traffic movement. The scheme would also accord with paragraph 35 of the Framework, insofar as it seeks to minimise conflicts between traffic and cyclists or pedestrians.

Planning balance

13. There is no dispute that the Council are currently unable to demonstrate anywhere near a 5-year supply of housing land. This means that policies relating to the supply of housing should not be considered up-to-date, and the proposal should be considered in the context of the presumption in favour of sustainable development. That said, specific policies in the Framework also indicate that development in this context should be restricted³.
14. The provision of one additional dwelling in an area where there is an under supply of housing land would represent a clear benefit. There would also be economic benefits arising from employment during construction, the supply of materials, and in future residents feeding into the local economy. The proposal would also have a social benefit associated with use of nearby services and facilities within the settlement, which could be accessed by means other than by private car. I attach moderate weight to these benefits. A lack of harm in terms of living conditions, highway safety, or to designated heritage assets is a neutral factor. While not counting against the proposed development, these aspects do not weigh in its favour.
15. On the other hand, I have found that there would be material harm to the character and appearance of the area. Given the site's location inside the AONB, I afford great weight to conserving its landscape and scenic beauty. Owing to the detrimental impact on character and appearance of the area, as well as the landscape and scenic beauty of the AONB, the proposal would fail to satisfy the environmental dimension of sustainable development. While I have found that the appeal scheme would not harmfully impact on highway safety, this does not alter the harm I have concluded in relation to character and

³ Footnote 9, paragraph 14 National Planning Policy Framework (the Framework)

appearance. A lack of harm in respect of the second main issue, therefore, does not outweigh the harm I have found in relation to first.

16. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not be sustainable development.

Other matters

17. The appeal site forms part of the wider landholding associated with Barnicott, a Grade II listed building. The Council have not raised any concern about the potential impact of the proposal on the setting this designated heritage assets, or identified any conflict between the proposal and its conservation. Owing to the location of the appeal scheme, which would be separated from Barnicott by the extant tennis court, domestic garden and detached garage, the setting of the heritage asset would be preserved and there would be no harm to its significance. A lack of harm in this regard, does not alter my overall conclusion.
18. I note the previous appeal decisions cited by the Council. While many of the site's characteristics and the AONB designation have continued since the time of these early decisions, the wider context, as well as national and local planning policy circumstances, have changed significantly. These decisions have therefore had very little bearing on my determination of this appeal, which has been based on the merits of the scheme and the evidence before me.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR