
Appeal Decision

Site visit made on 21 March 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 6 April 2017

Appeal Ref: APP/J9497/W/16/3165177

Land adjacent to No 25 Stonepark Crescent, Ashburton TQ13 7RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr John Hoare on behalf of Effaux Investments Ltd. against the decision of the Dartmoor National Park Authority.
 - The application Ref 0470/16, dated 23 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is described in the application form as a 'dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Notwithstanding previous applications for development here, I have determined the proposal before me on its particular merits.¹

Main issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and whether or not the benefits of the proposal would outweigh any harm that would result.

Reasons

Character and appearance

4. The appeal site is a modest plot of untended land currently enclosed by security fencing which is accessed via Stonepark Crescent. The plot extends to the bank of the river Ashburn to the rear, shares a common boundary with No 25 Stonepark Crescent, and faces No 7 opposite. On account of the topography, properties on the same side of Stonepark Crescent as the appeal site are set at a significantly lower ground level than that of the carriageway. The appeal site is, however, broadly level with the carriageway.
5. The pavement along Stonepark Crescent turns into a public footpath at a short distance from the appeal site. This footpath runs in part through an essentially natural corridor of land either side of the river Ashburn which tracks alongside

¹ As illustrated on plans entitled 335-SK1 and 1711:3.

the A38 for some distance. Security fencing aside, in its present state the appeal site reinforces the natural character of its surroundings and in my view in terms of character represents a transitional space where the built form of Ashburton blends into its rural environs.

6. Properties along Stonepark Crescent are predominantly bungalows of understated consistent design set in regular plots. Despite the curvature of the carriageway they are situated along a broadly consistent building line which is substantially set back from the pavement. Front plots are typically demarcated only with modest boundary features. As a consequence there is an open, ordered and harmonious character to Stonepark Crescent.
7. Policy COR4 of the Authority's Core Strategy Development Plan Document 2006-2026 adopted in April 2008 (the 'Core Strategy') requires that development is of a scale and layout appropriate to the site and its surroundings. Similarly policy DMD7 of the Development Management and Delivery Plan adopted in July 2013 (the 'DMD'), briefly stated, sets out that development should integrate appropriately with the character of the area and recognises the value that open spaces can play in contributing to the character of an area. The National Planning Policy Framework (the 'Framework') likewise establishes that planning should always seek to secure high quality design and that it is proper to reinforce local distinctiveness.
8. The proposal is for an open market dwelling described by the appellant as a 'modest, 2-storey, chalet bungalow'. I understand the Environment Agency require that a 3 metre wide corridor abutting the river bank is free from obstruction.² This constraint has resulted in the dwelling being proposed in the deepest element of the appeal site and set close to the pavement. I note that the front elevation of the property is slightly further back into the plot than was previously proposed and indeed the scale of the dwelling reduced.³ Nevertheless the dwelling would be substantially closer to the pavement than is the prevailing arrangement of properties nearby.⁴
9. Whilst I note that the overall scale of the dwelling would be moderated by the provision of accommodation at second storey level within the roof pitch, a dwelling of this scale would nevertheless be markedly out-of-keeping given the predominance of single storey dwellings in the area. The visual bulk and prominence of the dwelling would be exacerbated by the front dormer proposed, which is not a common design feature of properties nearby, on account of the limited set back from the pavement, and as a result of the differential in ground level of the appeal site relative to adjacent properties on the same side of Stonepark Road.
10. For the above reasons the dwelling proposed would appear unduly dominant within the street scene rather than providing an appropriate 'visual stop' as the appellant has suggested, and would therefore be clearly detrimental to the existing open, ordered and harmonious character and appearance of the area. Whilst I accept that the proposal would make use of a currently vacant plot of

² As referred to in paragraph 5.1.4 of the Authority's appeal statement, and as represented on plan 1711:3.

³ With reference to application Ref 0273/15.

⁴ Whilst I accept that the permitted extension to No 12 Stonepark Crescent would extend relatively close to the pavement, from the limited information before me in respect of this proposal it appears to be a modest addition to an existing property as opposed to development of the scale and prominence proposed here.

land within Ashburton, as explained above, the appeal site makes some degree of positive contribution towards the natural character of its surroundings in its present state.

11. I therefore conclude that the proposal would have a significant adverse effect on the character and appearance of the area, and that it would conflict with the relevant provisions of policies COR4 of the Core Strategy, DMD7 of the DMD, and with relevant elements of the Framework.

Benefits and planning balance

12. Policy COR2 of the Core Strategy guides development within the National Park towards certain locations. Ashburton is identified as a local centre in which 'appropriate development intended to serve the needs of the settlement and its rural hinterland will be acceptable in principle'. As such there is no objection from the Authority in principle to appropriate residential development here.
13. Notwithstanding the purposes of National Parks set out in legislation and the protection accorded to landscape and scenic beauty in the Framework,⁵ the Authority's plan-making must be undertaken with the objective of contributing to the achievement of sustainable development (with regard to national policy and guidance).⁶ Decisions on applications must be taken in line with the development plan unless material considerations indicate otherwise.⁷
14. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice. This includes boosting significantly the supply of housing. Considered in this context the proposal would entail some social and economic benefits in resulting in an addition to housing stock, in supporting employment during construction, and as future occupants of the dwelling proposed would make use of local services and facilities.⁸
15. However the benefits of the proposal in respect of housing supply would be confined to an incremental numerical addition, rather than in terms of design quality. Moreover the social and economic benefits of one new home would be modest, and the encouragement given to enabling appropriate housing in the Framework is not at the expense of securing high quality design.
16. Furthermore policy COR15 of the Core Strategy sets out that there is a 'strong priority for the provision of affordable housing to meet identified local needs'. The Authority has brought to my attention a survey undertaken in November 2015 which indicates that at that point in time there was a need for 33 affordable homes in Ashburton looking forward 5 years.⁹
17. The Authority has further explained that since that survey no affordable homes have been delivered in Ashburton, and that there are challenges with the implementation of affordable housing allocations identified for Ashburton

⁵ Section 61 of the Environment Act 1995 and paragraph 115 of the Framework

⁶ With reference to Section 4A of the Town and Country Planning Act 1990 as amended and Section 39 of the Planning and Compulsory Purchase Act 2004.

⁷ Section 38(6) of the Planning and Compulsory Purchase Act 2004.

⁸ That the proposal would have some benefits is acknowledged in the Authority's decision notice, where the Authority explain that they are of the view that the proposal would not result in 'significant benefits'.

⁹ Undertaken by the Devon Rural Housing Partnership, affordable housing as defined in Annex 2 of the Framework.

through the DMD. The appellant has not disputed this information or offered evidence to the contrary. Therefore based on the evidence before me it is clearly the case that housing needs in this area are primarily for affordable homes.¹⁰

18. For the above reasons, I cannot accord the benefits of the proposal for an open market home more than very limited weight. I therefore conclude that the significant harm that would result from the proposal would significantly and demonstrably outweigh the very limited benefits thereof.¹¹

Other matters

19. There is some discussion in the information before me as to whether the proposal would be supported were it for an affordable home. I also note the references made within the main parties' cases at appeal to the relationship of the Authority's development plan and interim housing statement with the relevant elements of the Planning Practice Guidance (the 'Guidance') in respect of where affordable housing contributions may be required, as opposed to ventured unilaterally.¹²
20. However the proposal before me is not for an affordable home, and there is no way in which I can legitimately alter the nature of the development proposed in this respect.¹³ Consequently it is outside the confines of this decision to comment on whether a home in this location would be supported were it affordable, or on the cases elsewhere that have been brought to my attention in this context.¹⁴ Each proposal must be determined on its particular merits.

Conclusion

21. For the above reasons, and having taking all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

¹⁰ A finding consistent with, although arrived independently of, that of the inspector in appeal Ref APP/J949/A/15/3236449, which has been brought to my attention by the Authority.

¹¹ Whilst I note that permission has been granted by the Authority for an open market home elsewhere, Ref 0514/15, in that case it appears from the limited information before me that the Council were of the view that no substantive harm in respect of character and appearance would arise.

¹² Reference ID:23b-031-20161116, pursuant to the Court of Appeal judgement handed down on 11 May 2016 in Secretary of State for Communities and Local Government v West Berkshire District Council & Anor EWCA Civ 441.

¹³ With regard to Planning Practice Guidance Reference ID: 21a-012-20140306.

¹⁴ Appeal Ref APP/K3605/W/16/3146699 and APP/L5810/W/16/3155064.