
Appeal Decision

Site visit made on 10 April 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/W1145/W/16/3165640

Land at Windy Cross, Woodacott, Thornbury, Devon EX22 7BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to outline grant planning permission.
 - The appeal is made by Mr Lynden Hughes against the decision of Torridge District Council.
 - The application Ref 1/1021/2016/OUT, dated 12 October 2016, was refused by notice dated 2 December 2016.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The address in the banner heading above is that given with the appeal form. This is preferable to that used in either the application form or decision notice as it omits the differing grid references contained in those documents.
3. The application was made in outline with matters of access, appearance, landscaping, layout and scale reserved (the 'reserved matters'). The associated plans are therefore illustrative.¹
4. The Council acknowledge that they cannot demonstrate a 5 year land supply of deliverable housing site relative to needs. I shall return to this issue. However I would note here that I have determined the appeal in accordance with the development plan unless material considerations indicate otherwise.²
5. The development plan comprises saved policies of the Torridge District Local Plan adopted originally in September 2004 (the 'Local Plan'), notwithstanding the emerging North Devon and Torridge Local Plan 2011-2031.

Main issue

6. The main issue is whether or not the appeal site is an appropriate location for a dwelling with reference to local and national planning policy.

¹ Plans 'ASP001revD' and a plan entitled simply 'Stanfords VectorMap'.

² With reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Reasons

7. The appeal site is identified on supporting plan ASP001revD as 'plot 1', adjacent to what is annotated as 'village hall plot'. Although both plots are within the same ownership, the proposal before me as described in the application form is solely for the erection of a new dwelling within plot 1.
8. Permission was previously granted by the Council for the use of the appeal site as a haulage yard and for an associated vehicular access and a garage.³ From the limited information before me it appears that the previously permitted access has been implemented, although this falls outside of plot 1.
9. Neither the permitted garage nor any other permanent structures were present within the appeal site at the time of my site visit. There is no clear information before me as to whether the dwelling proposed would be in the same location or of comparable size or prominence to the garage previously permitted.
10. As the vehicular access has been implemented it may therefore be lawful to erect the garage also permitted via application Ref 1/1111/1995.⁴ If the garage were to be erected, this element of the appeal site would become previously developed land.
11. The topography of the appeal site is changeable with a number of grassed hillocks present. Whilst this topography may have resulted from human intervention, the appeal site is essentially natural in appearance being part of a field which is bounded in the main by hedgerows and occasional trees.
12. I cannot therefore support the appellant's position that the appeal site, as a whole, is previously developed land.⁵ Visually the appeal site is consistent in character with that of the gently undulating and strongly rural surrounding countryside, particularly the adjacent fields to the north and west.
13. The appeal site falls near to a small scattering of dwellings and farm buildings comprising Windy Cross, several of which appeared to be vacant at the time of my site visit. Windy Cross is a low density straggle of properties rather than having any distinct settlement 'envelope' as the appellant contends exists.
14. There appeared to me to be no services or facilities available at Windy Cross, which is separated by fields from the village of Woodacott approximately 300 metres distant. Windy Cross and Woodacott are within the Parish of Thornbury.
15. The town of Holsworthy falls approximately 5.7 kilometres away. Holsworthy is the nearest settlement offering a range of services and facilities catering for day-to-day needs including shops, a school, and healthcare, notwithstanding

³ Various permitted via applications Ref 1/1711/1986, 1/1059/1987, and 1/1111/1995.

⁴ Although it is not for me to establish whether this is the case in this appeal.

⁵ I note here that site assessment proforma entry Ref SHA/THO/1, part of the Council's Strategic Housing Land Availability Assessment dated 22 August 2014 indicates that the appeal site is previously developed land. However it is unclear from the information before me whether the SHLAA assessment site is solely the appeal site here. Moreover the SHLAA entry is not consistent with my observations as set out above.

that there are services and facilities dotted amongst the various hamlets of the Parish of Thornbury.⁶

16. On account of the distance of many nearby services and facilities, and as the route thereto is in part along narrow winding rural tracks without dedicated footways or lighting, the occupants of the dwelling proposed would in my view be highly reliant on the use of private vehicles.
17. The appellant has explained that the appeal site is 'on a cycle network' and that bus services are close by with a weekly bus serving running past the site itself. However I am not satisfied based on the information before me that bus services are sufficiently accessible or frequent so as to be relied upon in preference to the use of private vehicles, or that cycling would be a convenient alternative for the reasons given in paragraph 16 above.
18. The appellant contends that Windy Cross is a 'well-established settlement'. In this context, the appellant has drawn my attention to site assessment proforma entry Ref SHA/THO/1, supporting the Council's Strategic Housing Land Availability Assessment (the 'SHLAA') dated 22 August 2014. This describes Windy Cross as 'a small rural settlement' which is 'subject to policy DVT2 of the adopted development plan'.
19. As identified above, however, Windy Cross is little more than handful of buildings set within the countryside. It is moreover approximately 1.2 kilometres distant from the village of Thornbury which is the nearest rural settlement identified via saved policy DVT2 'Development at Rural Settlements' of the Local Plan.⁷
20. The SHLAA entry also sets out that 'there are no services or facilities located a[t] Windy Cross...', that 'the site is considered to lie in an unsustainable location...', and that it is therefore not suitable for residential development. In any event the SHLAA is not part of the statutory development plan.
21. Paragraph 3.40 supporting policy DVT2 sets out that 'hamlets without community services and land away from settlements are treated as open countryside and subject to policy DVT2C 'Development in the open countryside'.
22. Therefore whilst I recognise the ambiguity resulting from the SHLAA, given the rural character of the appeal site and its surroundings, its distance from the nearest settlement identified via saved policy DVT2, and the paucity of nearby services and facilities, the proposal must in my view be determined with reference to the provisions of saved policy DVT2C of the Local Plan.⁸ I am also of the view on account of these factors that it is reasonable to describe the proposal as for an isolated home in the countryside.

⁶ Whilst I accept that the villages of Woodacott and Thornbury, the latter approximately 1.2 kilometres distant from the appeal site, have some services and facilities, occupants of the dwelling proposed could not rely upon these for many day-to-day needs.

⁷ Policy DVT2 is unambiguous in identifying 'villages in Torridge', rather than parishes.

⁸ Whilst I also note that reference is made to policy DVT2 in pre-application advice regarding the proposal, this advice also explains that it is given on the basis of setting aside the principle of the development. Moreover the Planning Practice Guidance sets out that pre-application advice is not binding (Reference ID: 20-011-20140306).

23. Saved policy DVT2C sets out that development in the countryside should not detract from the character and appearance of the area, and specifies four types of development permissible in the open countryside. New housing development as is proposed here is not supported by policy DVT2C.
24. The National Planning Policy Framework (the 'Framework') sets out that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking or cycling and that recognition should be given to the intrinsic character and beauty of the countryside. It further sets out that new isolated homes in the countryside should be avoided other than in special circumstances, none of which identified in the Framework have been argued by the appellant to apply to the development proposed.⁹
25. Given the nature of the site and its surroundings, and notwithstanding that the application was made in outline, the proposal would result in a domestication of the countryside to the detriment of its intrinsic natural character. Moreover it would result in the establishment of an isolated dwelling which is not supported by local or national policy, the occupants of which would be highly dependent on the use of private vehicles resulting in environmental harm.¹⁰ It is furthermore legitimate to note that development here may lead to pressure for similar development elsewhere, as has been highlighted by a nearby resident, which could cumulatively lead to further harm in these respects.
26. For the above reasons I therefore conclude that the appeal site is not an appropriate location for a dwelling. Accordingly the proposal is not supported by saved policy DVT2 of the Local Plan and conflicts with the approach in saved policy DVT2C of the Local Plan and with relevant elements of the Framework.

Planning balance

27. With reference to paragraphs 49 and 14 of the Framework and paragraph 4 of this decision, relevant policies for the supply of housing must be considered out-of-date. However the relevance of under-supply here is confined to that fact that the proposal would make an incremental numerical contribution to housing stock rather than in terms of appropriateness.
28. The Framework sets out that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. A new home in this location would entail some social and economic benefits in supporting jobs during construction and as future occupants would make use of services and facilities in the wider area. I also note the financial implications of the proposal highlighted by the appellant with reference to the New Homes Bonus.
29. Any such benefits, however, would inevitably be modest in respect of one new home. Moreover the support for delivering new homes in the Framework is not at the expense of ensuring that all dwellings are appropriately located and respect their surroundings. Consequently the benefits of the proposal carry

⁹ The special circumstances listed in paragraph 55 are, in summary, for development related to rural workers, to a heritage asset, re-using existing buildings, and dwellings of exceptional quality or innovative design.

¹⁰ Notwithstanding that the Framework recognises that opportunities to maximise the use of sustainable modes of transport will necessarily vary from urban to rural areas.

very limited weight in favour of the appeal, and therefore the harm arising in my view would significantly and demonstrably outweigh such benefits.

Other matters

30. The appellant has appended a number of decisions elsewhere to his appeal statement. As each proposal must be determined on its particular merits, and for the reasons set out in the appendix of other cases below, none of the cases highlighted by the appellant are in my view directly comparable to the circumstances relevant here.
31. There is some discussion in the information before me as to whether the proposal would be supported were it for an affordable home as defined in Annex 2 to the Framework. However the proposal is not for affordable housing, and there is no way in which I can legitimately render it such.¹¹ Accordingly neither this matter, nor any other, is of sufficient significance so as to outweigh or alter my findings as set out above.

Conclusion

32. For the above reasons, and having taken all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. The proposal does not represent sustainable development, and I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

APPENDIX, OTHER CASES

1. Application Ref 1/1306/2014/OUT: the associated officer report explains that the application site is located 'in the village of Sutcombe', which is identified as a village within saved policy DVT2 of the Local Plan.
2. Application Ref 1/0317/2014/OUT: the associated officer report explains that the application site is located 'in the village of Littleham', which is identified as a village within saved policy DVT2 of the Local Plan.
3. Application Ref 1/0923/2013/FUL: the associated officer report explains that the application site is 'directly adjacent to the built form' of Yarnscombe, which is identified as a village within saved policy DVT2 of the Local Plan.
4. Application Ref 1/0461/2015/OUT: the associated officer report explains that the application site is 'in the village of St Giles on the Heath', which is identified as a village within saved policy DVT2 of the Local Plan.

¹¹ With regard to Planning Practice Guidance Reference ID: 21a-012-20140306.

5. Application Ref 1/0988/2014/OUT: the associated officer report explains that the application site is 'located on the fringe of Petrockstowe', which is identified as a village within saved policy DVT2 of the Local Plan.
6. Application Ref 1/0302/2014/OUT: the associated officer report explains that the application site, albeit divorced from the established built form of Buckland Brewer which is identified as a village within saved policy DVT2 of the Local Plan, is only approximately 42-50 metres away from the nearest dwelling thereof.
7. Application Ref 1/0259/2014/OUT: the associated officer report explains that the application site is the rear garden of a property in High Bullen, which although not an identified village within saved policy DVT2 of the Local Plan is nonetheless a substantially larger settlement than Windy Cross. The application site there shared a common boundary on three sides with the plots of existing properties in High Bullen.
8. Appeal Ref APP/X1545/W/15/3038219, in that case in Maldon District Council's administrative area, the inspector found that on account of the presence of other dwellings nearby the appeal site could not be described as isolated, and that no harm in respect of character and appearance would arise.
9. Appeal Ref APP/X1145/W/16/3147166, in that case the inspector described the appeal site as 'on the periphery of the hamlet of Woodacott', therefore not isolated, and 'clearly distinguishable from [surrounding] open agricultural countryside'.