
Appeal Decision

Site visit made on 22 May 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 15 June 2017

Appeal Ref: APP/K1128/W/16/3167190
Land at Parsonage Road, Newton Ferrers

- 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 Shane Hockaday against the decision of South Hams District Council.
 - The application Ref 2236/16/FUL, dated 14 July 2016, was refused by notice dated 4 November 2016.
 - The development proposed is described as “construction of two dormer bungalows on previously developed land for farmer and family”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site is an open field situated on the edge of Newton Ferrers next to a group of farm buildings. As there is a wide grass verge outside the site and a mature hedgerow along the frontage with Parsonage Road, the street scene in this location maintains an especially open and verdant appearance. Together with the fields on the opposite side of the road, the site forms part of a distinct break in development between the built form of Newton Ferrers and the much smaller Butts Park, situated a short distance to the north east.
4. The wider landscape is highly rural in character. Indeed, the appeal site is part of a continuously undeveloped frontage on this side of the road that extends into the countryside for some distance beyond Newton Ferrers and Butts Park. Due to its scenic quality, the site and surroundings are within the South Devon Area of Outstanding Natural Beauty (AONB). According to paragraph 115 of the National Planning Policy Framework (the Framework) great weight should be given to preserving scenic beauty within such areas.
5. It is proposed to construct two detached dwellings on the field which would be situated in the corner nearest the farm buildings. One of the dwellings would be accessed from the existing entrance point, whereas the other would be

accessed from a new entrance that would be created by removing a small section of hedgerow along Parsonage Road. Part of the proposal involves improvement of the hedgerow as well additional planting within the site, including the creation of a wildflower meadow.

6. Although the existing hedgerow and trees along the Parsonage Road frontage are relatively tall and would obscure most views into the site, it would still be possible to see the roofs of the proposed dwellings from vantage points within the street even taking into account the sloping topography of the land. Furthermore, the removal of a section of hedgerow to create a new access would enable more direct views of one of the dwellings and its associated driveway and residential curtilage. This would be especially apparent from the pavement immediately outside the site. The overall effect of the proposal would be to noticeably extend the built form of Newton Ferrers further into the countryside, eroding the size of the undeveloped gap between the edge of the village and the existing housing at Butts Park.
7. It is argued by the appellant that the more meaningful undeveloped gap is that which runs between Butts Park and Collaton Cross, which is much further along Parsonage Road to the north east. However, the open space between the edge of Newton Ferrers and the housing in Butts Park also plays a part in defining the character this area. At present, the short section of Parsonage Road running between Newton Ferrers and Butts Park maintains a clear distinction between the built up areas and their setting within the wider rural landscape. Although the proposed dwellings would remain well separated from the edge of Butts Park, they would nonetheless cause Parsonage Road to assume a more domestic appearance at this point. Hence, the perception when approaching Newton Ferrers along Parsonage Road would be that the two settlements were close to merging into one other. Their boundaries would become less distinctive and their rural setting would be eroded, thereby harming the defining characteristics of the AONB in this location.
8. I accept the appellant's argument that the proposed dwellings would not be particularly prominent when viewed at distance within the wider landscape and I have had reference to the photographic evidence in support of that point. Although I recognise that a wildflower meadow and additional hedgerow planting are proposed, this would not help mitigate the visual harm within Parsonage Road that I have identified above.
9. I note that a proposal for 16 dwellings was approved close to the appeal site further to the south along Parsonage Road. As these dwellings are situated closer to the road frontage, they are more visually prominent from the road than the appeal proposal would be. While I have not been made aware of the full circumstances that led to this scheme gaining approval, I understand that the development provides affordable housing and hence the provision of wider community benefits would have been a factor capable of outweighing harm to the character and appearance of the area. I weigh up the social benefits of the current proposal later in my decision.
10. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. The proposal would conflict with paragraph 115 of the Framework which indicates that great weight should be given to conserving landscape and scenic beauty within the AONB. For similar reasons, there would also be conflict with Policy DP2 of the South Hams Local

Development Framework Development Policies Development Plan Document (the DPD) which aims to protect landscape character.

Other matters

11. According to the DPD the appeal site is situated within the countryside because it lies outside the development boundary of Newton Ferrers. Policy DP15 only allows very limited forms of development to take place within the countryside. This includes agricultural, forestry and other occupational dwellings where there is a proven essential occupational need.
12. I understand that there are currently three households living within the existing farmhouse. The appellant argues that agricultural ties are unnecessary as the homes will be occupied by family members who would continue to farm. Nonetheless, Policy DP15 still requires proof an essential need for the proposed dwellings whether they would be occupied by family members or not. Little evidence has been put forward to demonstrate an essential business need for two additional dwellings on the farm holding and I therefore do not consider that the proposal complies with Policy DP15. For similar reasons, there is little to show that the dwellings would contribute to the aims of the Framework to support the rural economy or enhance community vitality.
13. The Framework indicates that isolated homes in the countryside should be avoided. Whilst the appeal site is outside the development boundary of Newton Ferrers, it is not isolated and would make a positive contribution to the local housing supply. Although this benefit should not be overlooked, the contribution made by two dwellings would be relatively modest. I accept that the proposed dwellings would improve the circumstances of the appellant's family who, I am informed, have longstanding social ties to the area. However, there is little before me to demonstrate that the housing needs of the family could not be met elsewhere within the local community.
14. The habitat survey indicates that there would be some moderate ecological benefits as a result of the additional landscape planting that would take place. The appellant also argues that the proposal would make use of previously developed land. I understand that an area of hardstanding was laid on the site during the 1970s and I saw evidence of this during the course of my site visit. However, the definition of previously developed land set out within the Framework excludes land where the remains of the structure have blended into the landscape in the process of time. In this particular case, the appeal site is mostly grassed over and assumes the appearance of an open field. As such, it cannot be described as previously developed land for the purposes of the Framework even if it is not easily farmable.
15. The Council are unable to demonstrate a five-year supply of deliverable housing sites and paragraph 49 of the Framework indicates that in such circumstances, relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 states that there is a presumption in favour of sustainable development and indicates that when development plan policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, it is also made clear that planning permission should not necessarily be granted where specific policies in the Framework indicate development should be restricted and, according to footnote 9, this includes land subject to AONB designations.

16. Although Policy DP15 does not carry full weight in this appeal, the evidence before me indicates that the 'great weight' which the Framework assigns to the protection of scenic beauty with the AONB is not clearly outweighed by other environmental, social and economic considerations. Hence, the proposal is not sustainable development in the context of the Framework as the adverse impacts significantly and demonstrably outweigh the benefits.
17. The appellant has expressed dissatisfaction with the way in which the Council handled the application process, including their consideration of the evidence put forward in support of the case. However, these are not matters which I am able to directly address through an appeal made under section 78 of the Town and Country Planning Act 1990. My decision is therefore confined to the planning merits of the proposed development.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR