
Appeal Decision

Site visit made on 25 July 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/J9497/W/17/3171466

Beacon Nursery, Stockbridge Lane, South Brent TQ10 9AA

- 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 & Mrs P H & P A Mitchell against the decision of Dartmoor National Park Authority.
 - The application Ref 0506/16, dated 18 August 2016, was refused by notice dated 10 November 2016.
 - The development proposed is described on the application form as 'demolition of sheds, erection of three market dwellings'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are whether or not:
 - 1) the location of the appeal site would be appropriate for residential development with regard to the accessibility of nearby services and facilities,
 - 2) the proposal makes appropriate provision for affordable housing,
 - 3) the proposal would preserve or enhance the character or appearance of the South Brent Conservation Area,
 - 4) vehicular access would be appropriate.

Reasons

3. The appeal site is a parcel of land adjacent to the dwelling named Beacon Nursery. This dwelling was granted permission in 2000 following the cessation of the use of the site as a commercial nursery, and the use of a former residential caravan gaining immunity from enforcement.¹ The site is chiefly laid to grass, contains some domestic planting, and is otherwise open aside from two dilapidated outbuildings and miscellaneous items openly stored.

¹ Authority statement of case, paragraph 5.2.14.

4. The appellant explains that the appeal site is used as a garden, orchard and for the storage of machinery as an incidental use.² The appeal site is broadly level and flanked by hedgerows punctuated by trees. With regard to Policy COR2 of the Authority's Core Strategy Development Plan Document (adopted April 2008, the 'CS') and associated inset map No 11, the Authority states that the appeal site falls partially within the South Brent settlement boundary.³
5. The appeal site is accessed via Stockbridge Lane, a narrow cut-through between properties facing Church Street close to its junction with Station Road and Fore Street. Various services and facilities are clustered around this junction including shops, a post office and public houses. Stockbridge Lane is consolidated near to Church Street, becomes rubbled close to the appeal site, and serves parking provision associated with a convenience store.

Appropriateness of location

6. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises principally the CS and Authority's Development Management and Delivery Plan (adopted July 2013, the 'DMD'). Policy COR2 of the CS guides development within Dartmoor National Park towards a hierarchy of locations, pursuant to policy COR1 which seeks to ensure that development is sustainably located. Paragraph 17 of Framework similarly sets out that authorities should 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling'.
7. Via policy COR2, development in Dartmoor is primarily focused within Local Centres, i.e. those serving the needs of the relevant settlement and its rural hinterland. South Brent is identified as a Local Centre, wherein some level of development is accorded in-principle support. As established above, part of the appeal site is within the settlement boundary and part outside.
8. In summary, criterion (iii) of policy COR2 requires that development outside of established boundaries is only for development that must necessarily be thus located (which is reiterated in policy DMD23 of the DMD). However in these respect, policies COR2 and DMD23 aim to 'safeguard' the 'open countryside',⁴ and therefore relate predominantly to matters of character and appearance rather than suitability of location.
9. The appeal site is adjacent to an existing dwelling, abuts land used for parking provision associated with a convenience store, is used in part for domestic purposes, and falls partially within the South Brent settlement boundary. It is also close to the principal cluster of services and facilities of the Local Centre. Accordingly, I conclude that the appeal site would be appropriate for residential development with regard to the accessibility of nearby services and facilities. Accordingly in this respect the proposal complies with the relevant provisions of policy COR2 of the CS and with relevant elements of the Framework.

² Appellant statement of case, appendix 2.

³ Authority statement of case, paragraph 1.3.

⁴ Paragraph 4.7 of the CS and 2.19.22 of the DMD.

Affordable housing provision

10. Notwithstanding my conclusion in respect of the first main issue, policy COR2 accords particular priority to affordable housing provision in order to meet local needs. Policy DMD21 of the DMD specifies that the proportion of affordable housing provision should be not less than 50% of the residential units proposed. Paragraph 50 of the Framework similarly establishes that local planning authorities should plan for the needs of all members of the community, including those in need of affordable housing. The Authority explains that, based on a 2014 housing survey, 53 households were then in need of affordable housing within the Parish of South Brent.⁵ The appellant contends that this level of need has increased to 67 households presently.⁶
11. The appellants describe the intention of the proposal as to provide for 'three terraced cottages at a genuinely affordable rental'.⁷ However this reference to 'affordable' is to the market value that the dwellings proposed may command. There are no obligations before me that would give legal effect to the appellant's intentions,⁸ and accordingly I cannot legitimately consider rendering the development such via imposing conditions.⁹
12. I therefore conclude that the proposal does not make appropriate provision for affordable housing in conflict with the relevant provisions of policy COR2 of the CS and DMD21 of the DMD. I acknowledge, however, that the policy context has changed since the adoption of the CS or DMD with regard to where affordable housing contributions may be required, as opposed to ventured unilaterally.¹⁰
13. Nevertheless the statutory basis of decision-taking is that decisions must be taken in line with the development plan unless material considerations indicate otherwise. As established above there is a pressing need for affordable housing in South Brent, which the appellants' evidence points towards becoming increasingly acute in recent years, set against the practical constraints of delivery in a protected landscape.¹¹
14. The development proposed would not contribute towards addressing local needs for affordable housing as defined by the Framework, notwithstanding the intentions of the appellants in this regard. Despite the changed policy context referred to above, I nevertheless accord the harm arising in respect of this main issue moderate weight against the development proposed.

South Brent Conservation Area ('SBCA')

15. The appeal site is within the SBCA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of

⁵ Authority statement of case, paragraph 5.1.6.

⁶ As referred to in Appendix 1 to their statement of case which contains an article from the Totnes Times of 8 March 2017.

⁷ Appellant statement of case, page 3.

⁸ Pursuant to section 106 of the Town and Country Planning Act 1990 as amended.

⁹ With regard to the Planning Practice Guidance, Reference ID: 21a-012-20140306.

¹⁰ Planning Practice Guidance Reference ID:23b-031-20161116.

¹¹ National Parks having the 'highest status of protection in relation to landscape and scenic beauty' as set out in paragraph 115 of the Framework.

Conservation Areas. This requirement is essentially reiterated in policies COR5 of the CS and DMD12 of the DMD. Similarly the Framework sets out that 'great weight' should be given to the conservation of designated heritage assets.¹² The Framework further explains that any harm to the significance of heritage assets resulting from development should be balanced against the public benefits that would arise.¹³

16. Properties comprising the SBCA are strongly reminiscent of the historic origins of the settlement, being predominantly of a modest rural vernacular arranged along narrow irregular streets. The Conservation Area Appraisal (dated January 2011, the 'CAA') explains how the rural setting of South Brent is integral to an understanding of its medieval origins and subsequent growth as a focal point for the surrounding rural economy.
17. A handful of narrow burgage plots and medieval strip fields extending behind properties facing Church Street survive, broadly as illustrated on the Tithe map of 1841 reproduced in the CAA. The CAA explains that these features are an 'integral part of the village's historic plan', particularly as many others have been effaced with the passage of time.¹⁴ This accords with my observations.
18. The Authority contends, and the appellant does not dispute, that the appeal site is part of a burgage plot. Notwithstanding the outbuildings and paraphernalia referred to above, the appeal site is essentially open and there is no readily identifiable boundary feature delineating it from the strip field beyond. The development proposed would substantially over-write this important element of the SBCA, resulting in harm to its historic integrity in conflict with policies COR5 of the CS and DMD12 of the DMD and with relevant elements of the Framework.
19. I accept, however, that visibility of the development proposed would be relatively limited from most public vantage points (whether as a consequence of the narrow enclosed character of the settlement's streets or the presence of hedgerows and trees within the landscape). Accordingly, and as the appeal site represents a modest element of the SBCA, the harm arising would in my view be less than substantial in the terms of the Framework. There would however, still be real and serious harm, a consideration to which I am required to afford considerable importance to. That harm needs to be balanced against the public benefits of the proposal, a matter to which I will return.

Vehicular access

20. Criterion (ii) of policy COR21 of the CS explains that development should not have a detrimental effect on road safety or capacity. Similarly, paragraph 32 of the Framework explains that decisions should take account of whether safe and suitable access can be achieved.
21. Vehicular access to the appeal site would be via Stockbridge Lane. Being flanked by buildings on either side, Stockbridge Lane is only sufficient in width to enable one vehicle to pass at a time. As identified above, it serves parking associated with a convenience store and several other buildings. In this context

¹² Paragraph 132.

¹³ Paragraphs 133 and 134.

¹⁴ As set out in page 8 of the CAA.

the additional intensity of vehicular use that would result from the development proposed is highly likely to be problematic. Drivers seeking to use Stockbridge Lane in both directions may need to stop, back-up, or undertake awkward turning manoeuvres in a confined space. The efficient operation of the highway network would therefore be detrimentally affected.

22. Moreover visibility at the junction of Stockbridge Lane and Church Street appears extremely limited, principally on account of properties facing Church Street being set close to it. Whilst I acknowledge drivers are likely to moderate their speed in this location on account of the narrow historic nature of carriageways, there is no evidence before me to indicate that visibility here would be compliant with, or close to, modern standards.¹⁵ I cannot therefore determine that the increased intensity of use of Stockbridge Lane would not give rise to concerns in respect of highway safety.
23. I accept that a number of properties are served by Stockbridge Lane and that the former nursery business here would have generated some traffic. However there is no evidence before me of the planning considerations, if any, that applied previously. Accordingly the existence of substandard access arrangements in the vicinity does not justify unacceptable development now. I therefore conclude that vehicular access arrangements would not be appropriate and that the proposal conflicts with criterion (ii) of policy COR21 of the CS and with paragraph 32 of the Framework.
24. I am not satisfied that potential mitigation measures to improve access referred to by the appellant would demonstrably improve the current situation given the nature of Stockbridge Lane described above. Moreover no definitive proposals are before me in this regard, notwithstanding certain references in the South Brent Parish Plan dated 2016.

Planning balance

25. I have identified above that the location of the appeal site would not inherently be inappropriate for residential development with regard to the accessibility of nearby services and facilities. I also accept that the proposal would have certain benefits in enabling the creation of three dwellings likely to command a modest market price, in supporting employment during construction, and as future occupants would make use of nearby services and facilities. I further acknowledge that the proposal has garnered some local support, albeit in response to informal publicity by the appellant via social media.
26. However the benefits arising from three new homes would inevitably be modest, and neither the support in the development plan nor Framework to enabling new housing is unconditional. I have also identified that the proposal fails to address local needs for affordable housing, would harm the historic integrity of the SBCA, and that access arrangements are inappropriate. In my view the public benefits of the proposal do not outweigh the harm to the SBCA that would result. The combined harm resulting from the development proposed would clearly outweigh the benefits that would arise.

¹⁵ With reference to recommended visibility splays in the Government's Manual for Streets.

Other matters

27. The appellants have brought application Ref 0485/16 to my attention, which they contend supports their proposal. However the application site in that instance fell outside the SBCA and the Council raised no objections in respect of access arrangements. I have considered the appellants' concerns regarding the procedural manner in which the Council handled application Ref 0506/16, and the presence of what they contend to be poorly designed development nearby. However these arguments do not relate to the substantive planning merits of the development proposed in this instance. Accordingly no other matters are of such significance so as to outweigh or alter my reasoning as set out above.

Conclusion

28. 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. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR