
Appeal Decision

Site visit made on 2 October 2017

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

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

Decision date: 4th December 2017

Appeal Ref: APP/X1118/W/17/3177568

Land to the north of Mead Park, Bickington, Barnstaple EX31 2PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr K Moore against the decision of North Devon District Council.
 - The application Ref 61940, dated 28 September 2016, was refused by notice dated 13 December 2016.
 - The development proposed is a 2 bedroom bungalow with 2 parking spaces and turning area.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application is made in outline with all matters reserved for subsequent approval. An indicative plan has been submitted which shows a bungalow sited towards the front of the site, and illustrating measures to provide adequate access and to secure privacy. I have taken that plan into account in my decision.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area, which lies adjacent existing and planned residential development and the open countryside;
 - ii) whether the site would be satisfactorily drained, and
 - iii) the planning balance having regard to the inability of the Council to demonstrate a 5 year supply of housing land.

Reasons

Character and appearance

4. The site lies immediately to the north of an estate of bungalows, bordered by a bridleway to the west and open countryside to the north and east. The site comprises part of a narrow, grassed strip of land enclosed mainly by hedges, and has a strong rural flavour. On the opposite side of the land is Taw View, a new housing estate under construction, an extension of which has recently been approved.

5. The site lies outside of the development boundary of Bickington as defined in the North Devon Local Plan 1995 to 2011(LP), and is by definition, in the countryside, where LP Policy HSG9 indicates that new dwellings will not be permitted other than in exceptional circumstances, which do not apply here. The Council allege a conflict with LP Policy HSG2, but that deals with development within the development boundaries of towns and villages, but as the proposal is not within such a boundary, it does not apply directly.
6. The emerging North Devon and Torridge Local Plan has been submitted for examination, and modifications to the plan are being consulted upon. Accordingly only limited weight can be given to the plan at this time, although the Examining Inspector's preliminary findings have informed the Council's position on its 5 year housing land supply.
7. The Council acknowledges that it cannot demonstrate a 5 year supply of housing land, and in such circumstances paragraph 49 of the National Planning Policy Framework (the Framework) indicates that policies for the supply of housing should be considered as out of date, and this reduces the weight that I afford the conflict with the policy. Even so, it is still relevant that had the site been included within the development boundary where Policy HSG2 applies, a condition of that policy requires that development should not harm the character or setting of the settlement.
8. In this regard, a previous appeal decision¹ in relation to a single dwelling on the site is a material consideration. Although the decision dates from 1999 and refers to policies of previous development plans, the Inspector's findings of the impact of a new dwelling on the character and appearance of the area are still of relevance, and relate to current policy criteria, as the site specific circumstances have changed little on this side of the lane.
9. The Inspector found in that case that the proposed bungalow would relate poorly to the bungalows in Mead Park, which give a cohesive appearance and uniform boundary and recognisable edge to the settlement. He felt that the dwelling would be squeezed into the narrow strip of land, quite out of keeping with the pattern of the adjoining development and harmful to its character.
10. This proposal is for a bungalow of a different size and siting from that previously indicated in the dismissed appeal. It also involves a smaller site size, omitting the easternmost part of the narrow strip. Even so, some of the previous Inspector's fundamental concerns remain. The bungalow would be sited close to the bridleway in order to protect the outlook and privacy of neighbours, but that siting would make the dwelling unduly prominent, being much closer to the bridleway than the Mead Park bungalows. Moreover, in order to create adequate visibility splays, it would require the removal of the roadside hedgerow, which, even being brambles, contributes to the semi-rural character of this part of the lane, and its loss would exacerbate the prominence of the dwelling, which would only be partially mitigated by the provision of a new set-back hedge.
11. The indicative layout proposes a lengthy bund and hedge to be provided close to the boundary with the bungalows on the adjacent Mead Park estate, the purpose of which would be to provide mutual privacy. The bund and hedge would appear as an isolated feature and because of its elevated position, lack

¹ Ref: T/APP/X118/A/99/1018191/P8

of connectivity or boundary function, would appear as incongruous, at odds with the hedges which form field boundaries in the vicinity of the site. However, whilst the bund would be clearly seen from the rear of adjacent Mead Park bungalows, it would be partly hidden from public view by the bungalow and proposed hedging, and this would limit the harm that it would cause. Nevertheless it adds to my concerns.

12. Whilst I recognise that the construction of the Taw View estate on the opposite side of the lane amounts to a significant change of circumstances since the previous appeal, that development retains the hedgerow fronting the lane, and has no dwellings with direct access to the lane. Moreover, it does not result in a discordant relationship with adjoining development. Thus, when travelling down the bridleway, there is still a strong semi-rural flavour to the lane and to the land north and east of Mead Park, which would be eroded by the proposal.
13. It is relevant that in allowing the 2105 appeal² granting permission for the Taw View estate, the Inspector found that there would be moderate harm caused to character and appearance, even though this was not of sufficient weight to justify dismissing the appeal as part of the overall planning balance, and although not in exactly the same manner, the proposal would also cause such harm.
14. I therefore conclude on the first main issue that the proposal would result in material harm to the character and appearance of the area, and would conflict with LP Policies DVS1, DVS2, and ENV1, which respectively deal with design, landscape and development in the countryside.

Drainage

15. The appellant submitted with the appeal further drainage information in the form of an assessment of the site and proposals for on-site attenuation, and the Council now accepts that this matter can be dealt with by condition, and I agree.
16. A neighbour has raised the point that the drainage assessment, although not dealing with foul drainage, makes it clear that the use of a septic tank would not be possible. However, the officer report indicates that connection to the main sewer or an on-site treatment plant could satisfactorily deal with this issue. The neighbour refers to a change in levels to connect to the public sewer, but on-site pumping could address this.
17. I therefore conclude on this issue that the site could be satisfactorily drained, and that there would be no conflict with LP Policies DVS6 and DVS7, which respectively deal with flooding and water quality and sustainable urban drainage systems.

Other matters

18. I have had regard to wildlife and habitats, and although I note the concerns expressed by neighbours about the appellant's treatment of the site, this is an insufficient reason for me to conclude that the imposition of conditions would not be an appropriate means of dealing with this issue. Although I have some reservations about the appropriateness of the proposed bund and hedge as a means of providing privacy, bearing in mind that this is an outline proposal

² Ref: APP/X1118/A/14/2224465

where full details have not been provided, I find that the likely impact on neighbours' living conditions is an insufficient reason to rule out a new dwelling in principle.

19. Like the previous Inspector, I find that the number of traffic movements likely to be generated by a single dwelling would be small, and having regard to the short length of the lane which would be travelled by vehicles travelling to and from the site, highway safety concerns do not add to my objections.

Planning balance

20. Paragraph 14 of the Framework says that where plans are out-of-date, proposals should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
21. There are no specific policies in the Framework which indicate that development should be restricted, and therefore the "tilted balance" needs to be applied. Whilst the Council acknowledges that a 5 year supply of housing land cannot be demonstrated, it argues that the supply is somewhere between 4.6 and 5 years, and that the current rate of deliveries is likely to improve the situation in the near future. A finding in an appeal decision dated 6 January 2017³ that there was a shortfall of 0.4 years' supply, as against a shortfall of 2.2 years' supply found in the appeal decision of 2015, reinforces this. Against this undisputed background, the provision of one new dwelling would make little difference to the overall housing supply picture.
22. The Framework highlights the requirement for planning to address the housing needs of the elderly. Bungalows are often favoured by the elderly for reasons of accessibility. What is proposed here is a 2 bedroom bungalow in quite a large plot, the maintenance needs of which might make it unsuitable for many elderly occupiers. Even so, it may prove attractive to some elderly people and this carries some limited weight. All things taken together, the social benefits that the proposal would provide attract only moderate weight. There would also be economic benefits accruing from the construction and occupation of the dwelling, to which I attribute small weight.
23. Set against this is the significant harm that I have found would be caused to the character and appearance of the area, which leads me to conclude that the environmental dimension of sustainable development would not be fulfilled. In my judgment, this harm significantly and demonstrably outweighs the benefits of the proposal, and when looked at in the round, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Conclusion

24. For the reasons given the proposal is unacceptable and the appeal should be dismissed.

JP Roberts

INSPECTOR

³ Ref: APP/X1118/W/16/3154193