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## Appeal Decision

Site visit made on 13 November 2017

**by Mrs J Wilson BA BTP MRTPI DMS**

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

**Decision date: 22<sup>nd</sup> December 2017**

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**Appeal Ref: APP/W1145/W/17/3181085**

**Land at Northside, Derriton Road, Pyworthy, Holsworthy, Devon EX22 6JY**

- 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 Nigel James against the decision of Torridge District Council.
  - The application Ref 1/0401/2017/OUT, dated 21 April 2017, was refused by notice dated 11 July 2017.
  - The development proposed is a detached three bedroom bungalow and garage.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The application was made for outline planning permission with all matters reserved. I shall therefore deal with the indicative scheme on the unnumbered application plans which show a detached bungalow and proposed garage as being for illustrative purposes only.

### Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and on surface water drainage and flood risk.

### Reasons

#### *Character and appearance*

4. The site is currently a heavily overgrown field situated between a converted barn to the east and a renovated property to the west. There are vestiges of a field access towards the centre of the frontage though there is no evidence of recent use. Notwithstanding that layout, landscaping, scale and appearance are reserved for future applications, it is clear that a significant amount of rough vegetation would need to be cleared to accommodate the dwelling. Overall there is a strong rural character reinforced by distant views available from the appeal site. The few dispersed dwellings do not detract from this nor do they establish any sort of settlement here.
5. The construction of the dwelling would lead to the consolidation of built development in a location where buildings are sparse and this would be out of keeping with the distinctively loose knit pattern of development. The change in the appearance of the site would compromise the rural feel of the site and the

locality. The built form would cause both visual intrusion and harm to the character and appearance of the area.

6. The site is in open countryside where Policy DVT2C of the Torridge District Local Plan (2004) strictly controls development. There are exceptions to this policy however none apply in this case. The appellant argues that the site would be infill, that the visual impact would be negligible, and that a condition could be used to achieve a low impact appearance. However unrestricted residential development on this site is not within the scope of the development plan policy or Paragraph 55 of the National Planning Policy Framework (the Framework), which states local planning authorities should avoid new isolated homes in the countryside. There would be an adverse visual impact which the use of conditions would not be able to eradicate.
7. For these reasons the development would conflict with Policies DVT2C, DVT6, DVT7 and HSC3 of the Torridge District Local Plan and the provisions of the Framework. These policies, amongst other things, seek to protect the character and appearance of the countryside from development which does not meet a recognised need and this carries significant weight.

#### *Surface water drainage*

8. The site is located in a critical drainage area (CDA) and whilst a foul drainage assessment form has been completed there is no evidence of a Flood Risk Assessment (FRA) as required in such areas. A CDA is defined by the Environment Agency in areas within Flood Zone 1 where surface water or sewer run off may increase existing flooding problems within the wider catchment. As set out in the Planning Practice Guidance, areas at risk of flooding include such CDAs and therefore developments proposed within them need assessment under the Sequential Test and an FRA is required in accordance with paragraph 100 of the Framework. Furthermore, the foul drainage assessment form submitted in this case indicates that foul water discharge would not be to a mains system but to a watercourse. Nonetheless, it then addresses soakaway requirements; it is therefore unclear as to the sewerage arrangements on site and there is no assessment of the management of surface water from the site.
9. The proposal would therefore conflict with paragraph 103 of the Framework and the absence of an FRA in this case is sufficient to warrant dismissal of the appeal.

#### **Other Matters**

10. Paragraph 49 of the Framework sets out that where a five year land supply cannot be demonstrated housing policies should be considered out of date. There is no dispute between the parties that the Council, at the current time, cannot demonstrate a five year supply of housing and this affects the balance given to the interpretation of policy. Whilst the Framework seeks to boost significantly the supply of housing it also establishes the central tenet of sustainable development i.e. seeking economic, social and environmental gains jointly. Although policy DVT2C of the Local Plan is considered out of date in the context of a lack of a five year supply of land for housing, this does not mean that the policy no longer applies. Nonetheless the very modest contribution of a single dwelling in meeting the housing requirements would provide some social and economic benefit in the district, a factor which I attribute moderate weight.

11. The site is located remote from local services in Pyworthy and 2.7km from main services located in Holsworthy. The remoteness of the site from those services means that occupants would be highly likely to be reliant on the private car for journeys to meet their day to day needs. The extent of sustainability credentials set out by the appellant to be included at the reserved matters stage including grey water recycling, solar panels, high levels of insulation and optimum orientation for sunlight are suggestions of mitigating measures and not factors which cement the concept of this site being a sustainable location, these benefits therefore carry only limited weight.

### **Planning Balance**

12. Paragraph 14 of the Framework sets out that where relevant policies of the development plan are out-of-date permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted. I have found that the proposal would be harmful in terms of its effect on the character and appearance of the area, and fails to properly address flood risk, factors to which I give significant weight.
13. I have also concluded that the site is not suitable for residential development due to its location isolated from services and facilities and in conflict with the Local Plan. Balanced against this is the contribution to the supply of housing arising from a single dwelling, to which I give moderate weight. Taking everything into account, the harm arising from the proposal would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does not apply and there are no material considerations that would justify making a decision other than in accordance with the development plan.

### **Conclusion**

14. For the above reasons and having taken all other matters into account, the proposal should be dismissed.

*Janet Wilson*

INSPECTOR