



Appeal Decision

Site visit made on 9 January 2018

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 15 January 2018

Appeal Ref: APP/X1118/W/17/3175093

Land at Lower Yelland Farm, Yelland, EX31 3DR

- 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 Manor Farms (Yelland) Ltd against the decision of North Devon District Council.
 - The application Ref 61166, dated 6 May 2016, was refused by notice dated 14 November 2016.
 - The development proposed is the erection of two dwellings plus associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved and I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the proposal complies with local and national planning policy in respect of the location of new housing, having particular regard to the effect of the development on the character and appearance of the surrounding area, the supply of agricultural land, and whether the proposal should provide affordable housing.

Reasons

Character and appearance

4. The appeal site comprises two rectangular paddocks, used for grazing ponies, which are located to the rear of residential properties which front onto the B3233. The site is accessed via a private road from this highway which also provides access to Lower Yelland Farm. The farm itself has diversified in recent years to include bed and breakfast accommodation but still retains a rural character, in no small part due to its largely rural surroundings. The appeal site and the land surrounding it to the north, east and west, with the exception of Lower Yelland Farm, is predominantly flat, open land which stretches up to the banks of the River Taw and beyond. The site sits close to the Taw and Torridge Estuary which is important for its undeveloped and tranquil nature and the whole area is also part of the North Devon UNESCO Biosphere Reserve.

5. The appeal site falls outside of the settlement boundary of Fremington and Yelland in an area of countryside. Policy ENV1 of the North Devon Local Plan (2006) (LP) sets out that development in the countryside will only be permitted where, amongst other things, it protects or enhances its beauty, the diversity of its landscape, and its recreational value.
6. I note the opinion put forward in the appellant's Landscape and Visual Appraisal that the appeal site is located in a transitional area between development and the countryside. I consider, however, that there is, in fact, a very clear distinction between the rural character of Lower Yelland Farm and the open and rural landscape which principally surrounds it, and the denser residential development to the south along the B3233. The appeal site, in my opinion, clearly falls into the former.
7. The proposal would therefore result in the erection of two new dwellings on an area of open countryside away from and behind existing residential development. As a result it would intrude into and erode the open and undeveloped character of this area. Not far to the north of the appeal site is the Tarka Trail; an elevated path which is part of the South West Coast Path. From here the very tranquil and undeveloped character of the estuary can be appreciated. The development would be clearly visible from parts of this trail and as such would detract from this experience. Whilst the dwellings would, to an extent, be viewed against a backdrop of existing residential development, they would, however, be closer to the trail, therefore more in the foreground and consequently more visually prominent.
8. There is nothing in the evidence before me to lead me to conclude that it would be possible through design to integrate the development with Lower Yelland Farm given that this is located to the north/north-west of the appeal site and on the other side of the private access road. Limiting the height of the dwellings would also not overcome the harm I have found. Nor do I consider, in light of the evidence before me, that it could be overcome by landscaping at reserved matters stage. I therefore find that the proposal would be harmful to the character and appearance of the area contrary to Policy ENV1.
9. In coming to the above findings on character and appearance I have had regard to appeal decision APP/X1118/W/15/3003545 for 135 dwellings on a site further to the west of the appeal site. This site is, however, partially screened from the Tarka Trail by protected woodland and a protected tree belt. The development proposed was also described by the Inspector as "*infilling between two existing stretches of ribbon development*". The proposal before me, however, cannot be described as infilling. It does not form a continuation of, nor does it integrate well with, the pattern of existing residential development in the area. Furthermore, the appeal site before me is closer to the Tarka Trail than that in the above appeal decision. This matter does not, therefore, alter my finding that the proposed development would cause harm to the character and appearance of the area.

Agricultural land

10. The Council consider that the development would result in a loss of Grade 3a best and most versatile agricultural land. The land is currently used for grazing ponies and I accept the appellant's point that the size of the site makes it difficult for modern agricultural machinery to make economic agricultural use of it. However, I do not accept that it therefore has no value as agricultural land.

I therefore find conflict with Policy ENV7 which seeks to protect against the loss of such land.

Affordable housing

11. Policy HSG8 of the LP permits affordable housing in rural areas where, amongst other things, there is an established local housing need which cannot be met in any other way. The appellant is not providing any affordable housing, but, in any event, the Council have not provided evidence of an established local need for affordable housing and I am mindful of the fact that the above appeal decision for 135 dwellings makes provision for affordable housing. Furthermore I am conscious that a threshold beneath which affordable housing contributions are not to be sought from small scale development was introduced in a Written Ministerial Statement dated 28 November 2014. There is nothing before me, therefore, to conclude that the proposal should provide affordable housing.

Overall planning balance

12. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions and at paragraph 49 it states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Paragraph 14 of the Framework sets out the 'presumption in favour of sustainable development' and the fourth bullet point of this states that where relevant policies are out-of-date planning permission should be granted 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.
13. The Council are unable to demonstrate a five year supply of housing land. It is therefore necessary for me to balance the benefits of the proposal against the adverse impacts. As set out above I have found that the proposal would result in harm to the character and appearance of the surrounding area, which given its very open and rural nature, and the impact of the development on the Tarka Trail, I find to be significant. I have also found modest harm in terms of a loss of Grade 3a best and most versatile agricultural land. I find no harm, however, as a result of the proposal not providing affordable housing but conversely, no benefit in this respect either.
14. That the proposal would create two open market houses is, however, a benefit in its own right, but only a modest one given the scale of development. There are also other benefits in terms of short-term employment during construction and that future residents would support local services but these again are very modest and tempered by the nearby permission granted for 135 dwellings (see above). Finally, I accept that the site is in a location which is accessible from the villages of Yelland and Fremington as well as the towns of Bideford and Barnstaple using public transport. Taking the above points together, however, I find that the adverse impacts that I have identified would significantly and demonstrably outweigh the benefits.

Conclusion

15. My findings in respect of paragraph 14 of the Framework, along with all other material considerations, indicate that planning permission should not be granted. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR