



Appeal Decision

Site visit made on 14 November 2017

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 8th February 2018

Appeal Ref: APP/W1145/W/17/3180735

Land to the West of Hampton Close, Raleigh Hill, Bideford EX39 3PB

- 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 Dr Ben Lee against the decision of Torridge District Council.
 - The application Ref 1/0095/2017/FUL, dated 26 January 2017, was refused by notice dated 18 May 2017.
 - The development proposed is proposed residential development for 3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a revised drawing number 16 128 02D which amends the location of the access to ensure the visibility splay is within the appellants ownership and highway land. This makes very minor adjustments to the access and the interests of parties would be unlikely to be prejudiced by its inclusion. I am considering this appeal on the basis of its inclusion.
3. There are no issues in dispute between the appellant and the Council in relation to detailed design, highways access, drainage or other technical matters and I have considered the appeal in this context. The Council accepts it is unable to demonstrate a five year supply for the provision of housing.

Main Issue

4. The main issue is the effect on the character and appearance of the area and the contribution the housing would make to the district.

Reasons

Character and appearance

5. The site lies outside of the development limits of Bideford on the lower part of a sloping field used for the keeping of horses. Dwellings would be cut into the slope with gardens at the same level as the upper floors and would be seen against the backdrop of rising ground; nonetheless they would be visible from across the valley. This visual impact would be partly mitigated by the retention of the existing vegetation which would be supplemented by additional planting, crucial at the western end where the current planting is less dense. However there is no legal mechanism provided by the appellant to secure the future management and maintenance of the communal area and without it the site

would be very prominent in views across the valley resulting in visual harm to the appearance of the site in the wider landscape.

6. I consider that a planning obligation is necessary to secure this requirement and without one I cannot be satisfied how the management and maintenance of this space would be secured and legally binding. Planning Practice Guidance makes clear the circumstances when conditions can be used and would not be appropriate for these circumstances.
7. For these reasons there would be harm to the character and appearance of the area as a result of the visual intrusion of built development into open fields conflicting with Policies DVT2C and DVT6 of the Torridge District Local Plan 2004 (Local Plan) which, among other things requires that development in the open countryside should not detract from the character and appearance of the area, should maintain restore or enhance the local vernacular and sense of place.

Contribution to housing and other benefits

8. Three dwellings would make a small contribution to the housing stock in the district where there is a lack of a 5 year supply of land for the provision of housing. There would also be an economic benefit to the local economy during the construction phase and in the longer term new residents would help to support shops and services in the town. The benefits would be a positive aspect of the scheme given the acknowledged need for housing.
9. I have taken into account representations made that there are many consented dwellings within the development boundary which have not been built out and permission on this site would be premature. In the light of the lack of a five year housing supply resisting the scheme for this reason would not be justified.

Other matters

10. The Council and local residents have expressed concern that should this appeal be allowed further development in the field may be difficult to resist. It is noted that the configuration of the turning head is arranged to enable a field gate access to the remaining agricultural land. However, any application for built development elsewhere in the field would be a matter for the Council to consider. In any event, I am required to make my decision on the basis of the evidence before me.
11. Representations have been made concerning the detail of the scheme including: that surface water run off would be exacerbated where the lane is subject to flooding; the lack of a footpath across the front of the site; the loss of 10 metres of significant hedgerow; and that the scheme does not represent sustainable development. Whilst I understand residents' concerns on highway safety there is no substantive evidence to justify withholding permission on highway grounds, a fact reinforced by the lack of objection from the highway authority.
12. Drainage matters have been addressed with appropriate water strategies to deal with foul and surface water drainage a matter important in a critical drainage area. There is no substantive evidence that the loss of the hedgerow would prejudice ecological interests. Taken individually or together these details matters are not reasons to dismiss the appeal.

Planning Balance and Conclusion

13. The proposal would have the social and economic benefits of making a contribution to address the current under-supply of housing and make a contribution to the local economy. On the other hand without the secured provision for the maintenance and management of the communal landscaping area (which also makes provision for measures to address drainage in a critical drainage area), the development would result in significant harm to the character of the landscape and to visual amenity. In these circumstances the adverse impacts identified would significantly and demonstrably outweigh the benefits. The scheme would be contrary to the relevant policies in the Local Plan and the appeal is dismissed.

Janet Wilson

INSPECTOR