
Appeal Decision

Site visit made on 3 April 2018

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2018

Appeal Ref: APP/Q1153/W/17/3181837

Tor Brae, land north of Bolts House, Lydford, Okehampton, Devon, EX20 4BE.

- 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 Mr C Middler against the decision of West Devon Borough Council (the LPA).
 - The application Ref.0185/17/FUL, dated 20/1/17, was refused by notice dated 28/3/17.
 - The development proposed is the erection of four dwellings including three starter homes and one self-build dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The LPA accepts that it is unable to demonstrate a five year supply of deliverable housing land within the Borough.
3. The appellant has submitted a planning obligation under the provisions of section 106 of the above Act. Described as a "*signed planning obligation 106 agreement*" the obligation is intended to take the form of an agreement with the LPA to provide the proposed starter homes. However, it has not been signed by the LPA and is incomplete.
4. An application for costs has been made by the appellant against the LPA. This application is the subject of a separate decision.

Main Issues

5. The two main issues are: firstly, whether any adverse impacts of the proposal, having particular regard to the effect upon the character and appearance of the area would significantly and demonstrably outweigh the benefits and; secondly, whether it would be necessary for a financial contribution to be made towards the cost of education infrastructure and if so, whether a mechanism is in place to secure any such contribution.

Reasons

Planning Policy

6. The development plan includes the 'saved' policies of the West Devon Borough Council Local Plan Review (LP) adopted in 2005 and the West Devon Borough Council Core Strategy Development Plan Document 2006-2026 (CS) adopted in 2011. The most relevant policies to the determination of this appeal are: LP

policies NE10 (development in the countryside), H37 (rural exception sites) and; CS policy SP17 (landscape character).

7. The Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) has been submitted for Examination, with hearing sessions held during January-March 2018. The most relevant policies to the determination of this appeal are DEV24 (landscape character) and DEV27 (nationally protected landscapes). As the JLP has yet to be adopted these policies carry limited weight.
8. My attention has also been drawn to the emerging Bridestowe and Sourton Neighbourhood Development Plan. Whilst I understand that this Plan has identified a need for additional affordable housing, it has yet to reach a stage where it could be considered determinative to the outcome of this appeal.

Benefits

9. The proposed development would add to the mix, choice and supply of housing within the Borough and would help meet the shortfall in supply. If there was an adequate mechanism in place to secure the proposed market discount on the starter homes it would help meet the needs of those who are currently unable to afford 'full price' market housing. The proposal would accord with the very broad thrust of Government objectives to encourage small scale developers, self-builders and starter homes, as embodied within the Written Ministerial Statement of 2 March 2015 and the Housing and Planning Act 2016.
10. The development would generate additional revenue in the form of Council Tax receipts and the New Homes Bonus. It would also provide some limited support for the local construction industry. In addition, occupiers of the proposed dwellings would help support the limited local services and facilities.
11. The above noted benefits weigh in favour of granting planning permission and can be given significant weight in the overall planning balance.

Character and Appearance

12. This 0.5 ha site is located within the open countryside to the north of the dwelling known as Bolts House and the village of Lydford. This sloping site is immediately adjacent to Dartmoor National Park (NP).
13. As I saw during my visit, the unspoilt open qualities of the site and the boundary hedges make a pleasing contribution to the character and appearance of the area. It forms part of a gently rolling farmed landscape on the fringes of the NP and contributes to the distinctive pattern of fields on the edge of this nationally important landscape. There are views of the NP across the site. The appeal site reflects some key landscape characteristics of the Moorland Edge Slopes Landscape Character Area, as defined within the Council's 2017 draft landscape character assessment.
14. The proposed development would considerably change the character and appearance of the site. The buildings, parking/turning areas and other hard surfaced areas would seriously erode the unspoilt open qualities of the site and would harmfully intrude into this very pleasant moorland setting. The new houses and gardens would be detached from the main body of the village and would contrast awkwardly with the surrounding countryside, including the NP. I concur with the Dartmoor National Park Authority that it would detract from an appreciation of the natural beauty of the NP.

15. This harmful impact would be exacerbated by the residential activity, lighting, domestic paraphernalia, as well as the proposed access works and visibility splays. These would be discordant additions to this rural landscape and would involve the removal/disturbance of part of the established roadside hedge. The historic field pattern would be eroded and the perception of tranquillity along this edge of the NP would be diminished. I share the concerns of the LPA that the proposal would result in an undesirable pattern of development within the open countryside and comprise unacceptable urban intrusion into a very attractive rural landscape.
16. I conclude on the first main issue that the proposal would seriously harm the character and appearance of the area and conflict with the provisions of LP policy NE10, CS policy SP17 and JLP policies DEV24 and DEV27. This carries very considerable weight in the overall planning balance.

Educational Infrastructure

17. Some occupiers of the proposed dwellings could be children of secondary school age. The Education Authority has advised that the designated secondary school (Okehampton College) has no capacity to mitigate the impact of the proposed development. A financial contribution of £13,152 (0.6 secondary school aged pupils x £21,921 secondary extension rate) has been requested to safeguard the quality of local education provision. In addition, due to the distance to Okehampton College a contribution of £2,820 has been sought towards the cost of secondary education (£2.97 per student x 190 days in the academic year x 5 years at the college).
18. The contributions sought by the Education Authority and the LPA are necessary to safeguard the quality of local education. These contributions would be directly related to the proposed development and would also be fairly and reasonably related in scale and kind. The request for the above noted contributions would accord with the provisions of paragraph 204 of the National Planning Policy Framework and the Community Infrastructure Levy Regulations 2010 (as amended). Such contributions should be provided in the form of planning obligations under section 106 of the above noted Act.
19. I note the appellant's argument that the proposal should be considered as a rural exception site. The Government's Planning Practice Guidance encourages local planning authorities not to seek section 106 contributions on starter homes exception sites. However, this site is not under-used or unviable industrial or commercial land and does not adjoin the defined settlement limits of a village as required by national advice and LP policy H37.
20. Moreover, the proposal would not be sympathetic to the form and character of Lydford and would result in serious landscape and visual harm. Therefore, even if the planning obligation had been completed the proposal would be at odds with the provisions of national and local policies for starter homes/rural exception sites. Whilst my decision does not turn on this matter, the absence of a mechanism to provide the necessary educational contributions weighs against an approval.

Other Matters

21. The Inspector who determined the previous appeal for a single dwelling on the site found, amongst other things, that there would be an increased reliance on

the private car to access basic day-to-day services and conflict with the social and environmental roles of sustainability (ref. APP/Q1153/W/15/3136708). The proposal before me would also increase the reliance on the use of the private car. This also weighs against granting planning permission.

22. The proposal would conflict with the provisions of LP policy H31 (development outside defined settlement limits). However, given the housing land supply situation within the Borough this conflict does not add any significant weight in the overall planning balance.

Planning Balance / Overall Conclusion

23. The appellant's offer to make part of the site available to a local builder to provide three starter homes is laudable. However, the adverse effects upon the character and appearance of the area that I have identified above significantly and demonstrably outweigh the benefits of the proposed development. This is not an appropriate site for housing. Regardless of whether or not there is a mechanism in place to deliver the starter homes, the proposal would conflict with the provisions of the development plan and would not comprise sustainable development as defined within the National Planning Policy Framework. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector