
Appeal Decision

Site visit made on 28 January 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2019

Appeal Ref: APP/Q1153/W/18/3206945

Site at SX 447 766, East of Summer Green, Lamerton, Devon.

- 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 R Holland against the decision of West Devon Borough Council.
 - The application Ref.2424/17/OPA, dated 14/7/17, was refused by notice dated 22/6/18.
 - The development proposed is the erection of 13 dwellings (9 open market and 4 affordable) and access road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appearance, scale and landscaping of the proposed development have been reserved for subsequent consideration.
3. The Borough Council, as Local Planning Authority (LPA), accepts that it is unable to demonstrate a five year housing land supply (HLS) and, as a consequence, local planning policies for the supply of housing should not be considered up-to-date and carry limited weight. In this regard, the 'tilted balance' contained within paragraph 11 (d) (ii) of the National Planning Policy Framework (the Framework) is engaged¹.
4. The appellant has submitted a Unilateral Undertaking (UU) under the provisions of section 106 of the above Act. Amongst other things, this includes provision for an element of affordable housing, as well as various financial contributions. The LPA has informed me that the UU accords with its recommendations and those of the education authority and considers that it is acceptable. If the appeal was to be allowed it would be necessary to assess these planning obligations against the provisions of paragraph 56 of the Framework and the Community Infrastructure Levy Regulations 2010 (as amended).

Main Issue

5. The main issue is whether any adverse impacts of the proposed development, having particular regard to the likely effect upon the character and appearance of the area, road safety interests and the accessibility to services and facilities would significantly and demonstrably outweigh the benefits of the proposal.

¹ There is no cogent evidence that any policies that protect areas or assets of particular importance are applicable.

Reasons

Planning Policy

6. The development plan includes the 'amended' policies of the West Devon Borough Council Local Plan (LP), originally adopted in 2005 and the LPA's Core Strategy (CS), adopted in 2011. The most relevant development plan policies to the determination of this appeal are: LP policies NE10 (development within the countryside), H31 (residential development outside defined limits of settlements), T5 (accessibility to public transport) and; CS policies SP1 (sustainable development), SP5 (spatial strategy), SP14 (accessibility), SP17 (landscape character) and SP24 (sustainable rural communities). Given the reserved matters, CS policy SP20 (design) is not determinative to this appeal.
7. The Plymouth & South West Devon Joint Local Plan (JLP) is the subject of an Examination, including consultation in respect of main modifications. My attention has been drawn to numerous policies. The most relevant policies to the determination of this appeal are: DEV24 (landscape character), DEV31 (transport) and TTV31 (development in the countryside). It is unclear to me how policy SPT11 (strategic approach to the natural environment) is of relevance. It is not determinative to this appeal. The JLP has reached an advanced stage and these policies can be given significant weight.
8. My attention has also been drawn to the Lamerton Neighbourhood Plan (NP). I understand that a draft version of this Plan is currently the subject of public consultation. Amongst other things, the NP identifies some brownfield sites as suitable locations for new housing development and seeks to protect an area of green space known locally as 'the Green Triangle', from encroachment. As this Plan has yet to reach an advanced stage it can only be given limited weight.

Benefits

9. The proposed development would increase the choice and supply of housing within the local area and help to address the shortfall in supply. In addition, the affordable housing element of the proposals would assist in meeting the housing needs of the local community. The proposal would accord with the Government's objective of boosting the supply of homes.
10. The development would help to strengthen the construction industry and residents of the proposed dwellings would be likely to support local services and facilities. The LPA could also receive New Homes Bonus payments, as well as additional council tax revenue.
11. The proposal has the potential to enhance biodiversity. However, this is not evident from the appellant's Preliminary Ecological Appraisal, which is dated May 2017 and, amongst other thing, states that "*If no action or development of this land takes place within twelve months of the date of the survey, then the findings of this survey will no longer be considered reliable and should be repeated.*" My decision does not turn on this matter.
12. The above social and economic benefits of the proposal carry considerable weight in the overall planning balance.

Character and Appearance

13. This 0.54 hectare site is part of a larger agricultural field and the countryside that surrounds the settlement of Lamerton. It also forms part of 'the Green Triangle'. Access to the site is from the 'C' class New Launceston Road and then via Summer Green.
14. Dartmoor National Park is approximately 3.4 km to the north east and east and the Tamar Valley Area of Outstanding Natural Beauty is about 1.4 km to the west and south west. However, there is no cogent evidence to indicate that the proposed development would impact upon the special qualities of either of these areas². This is unsurprising given the size of the appeal site, its distance from these nationally designated landscapes and the intervening topography.
15. The appeal site lies within the 'River Valley Slopes and Combes' landscape character type (LCT), as defined within the South Hams and West Devon Landscape Character Assessment 2018. The key characteristics of this LCT include: rounded hills and undulating slopes, with branching narrow valley systems; a farmed landscape with pasture fields; an intricate patterned mosaic of predominantly small to medium irregular fields; low hedgerows and mature hedgerow trees; a sparse settlement pattern of historic villages; an extensive network of footpaths and bridleways; a sense of enclosure and seclusion and; a strong sense of tranquillity.
16. As part of my visit I walked extensively around Lamerton and frequently stopped to look in the direction of the appeal site from various parts of the public realm. This included almost all of the viewpoints identified within the appellant's Visual Impact Assessment³ (LIA). From what I saw, the appeal site is representative of many of the key characteristics of the above noted LCT and forms part of a landscape that is in a good condition. It is also evident from the emerging NP and the representations that have been made at application and appeal stages by some members of the local community, including the Parish Council, that the site forms part of a landscape ('the Green Triangle') that is valued by the local community for its perceptual and visual qualities, as well as the contribution it makes to biodiversity.
17. As I saw during my visit, from many parts of the public realm the site is screened or filtered by vegetation, landform or buildings. Nevertheless, it can be clearly seen from sections of the minor road to the east and south east, as well as from the road/track that rises in an easterly direction towards East Hill Farm and where there is also public access. From these areas the site would be seen by high sensitivity receptors such as those enjoying the countryside around Lamerton. The appeal site forms part of the attractive, open countryside setting to the village. It adds to the integrity of this rather dispersed rural settlement and where, in the main, houses front the roadside.
18. The proposed buildings, estate road, driveways and inevitable street lighting would markedly erode the attractive green open qualities of the site. In addition, the noise and activity that could reasonably be expected from vehicles

² There is also nothing to demonstrate that the site forms part of the setting of any listed building or contributes to the significance of any listed building. I also note that this was not a matter raised by the LPA.

³ The LIA is dated September 2017 and the viewpoints show greater screening/filtering of views by vegetation than I experienced during my visit. Whilst not Government guidance, 'Guidelines for Landscape and Visual Impact Assessment Third Edition' is widely used by those working in the development industry. Amongst other things, it advises that consideration should be given to the seasonal differences in visual effects arising from the varying degree of screening and/or filtering of views by vegetation that will apply in summer and winter.

and incoming residents would diminish the tranquillity of the local landscape. This development would contrast sharply with the unspoilt character of the farmed landscape and pasture fields to the east and south east.

19. Furthermore, unlike most of the recent approvals for housing developments in Lamerton that have been drawn to my attention, the proposal before me would not be infill housing but instead, would be located to the rear of existing roadside houses. This sizeable cul-de-sac would be much larger than the schemes approved at Kooshti Bok (ref. 1462/17/OPA) and Ashton Court (ref. 3244/16/OPA) and would not be read as infill development. It would have an overtly suburban character and would comprise a significant intrusion into the countryside around the village. The proposal would be at odds with the existing pattern of settlement and, as argued by the LPA, it would create an undesirable or unsuitable pattern of development that would have a significant adverse effect upon the character of the area.
20. From many parts of the public realm the proposed development, due to vegetation and/or existing buildings and/or landform would largely be hidden or screened from view. However, even during the summer when vegetation is at its strongest, the development would be readily visible in views from the east and south east. Whilst seeing a development does not in itself amount to a harmful impact, even with landscape planting the new buildings, estate road and turning head would appear as an incongruous incursion into the countryside and the landscape that surrounds the village. The proposed development would result in a high magnitude of visual change that would seriously harm the appearance of the local area.
21. In percentage terms the proposal would entail a small reduction in the overall extent of 'the Green Triangle'. However, it would erode the integrity of this cherished green space and detract from the setting of Lamerton. Whilst my decision does not turn on the impact upon 'the Green Triangle', this adds some limited weight to argument for withholding permission.
22. The proposed development would harm the character and appearance of the area and there are no special circumstances to justify overriding locally adopted policies that are aimed at restricting new housing within the countryside. The proposal conflicts with the provisions of LP policies NE10 and H31, CS policies SP5, SP17(c) and SP24, JLP policies DEV24, TTV31 and the NP objectives in respect of 'the Green Triangle'. It is also at odds with the provisions of the Framework that are aimed at conserving and enhancing the natural environment. This harm weighs heavily against granting permission.

Road Safety & Accessibility to Services and Facilities

23. Like many rural settlements Lamerton has a limited range of services and facilities⁴, including an infrequent bus service. In addition, parts of the settlement do not have footways. This includes a section of New Launceston Road from Summer Green to Green Hill. Having walked this section of the road during the middle of the day it is not without hazard from occasional passing motor vehicles.
24. However, even during the peak hours, it is unlikely that this section of the highway would be carrying high volumes of traffic or that vehicles would pose a

⁴ These include a sizeable new village hall, recreation ground, public house, church and a primary school.

significant risk to the limited number of pedestrians that would be making their way to and from the appeal site. In this regard, I note that New Launceston Road has been downgraded from a 'B' class highway. The proposal would be unlikely to compromise road safety interests or conflict with JLP policy DEV31. There are no road accident records before me to suggest otherwise.

25. I have no doubt that most, if not all, of the occupiers of the proposed dwellings would chose to own a motor vehicle, not least for accessing main shopping and employment services/facilities. The development would therefore increase the need to travel by car. However, if that was held to be adequate justification for withholding permission for a scheme of housing of this size in an area where residents have access to services and facilities like those available within Lamerton⁵, this would be likely to frustrate the Government's objective of enhancing or maintaining the viability of rural communities. Not all trips would have to be made by car and Tavistock is less than 5 km from the site.
26. The increase in the need to travel by car was clearly not an impediment when the LPA granted permission for the various housing developments in Lamerton that have been drawn to my attention. In this regard, the Inspector who determined the appeal⁶ for a dwelling on land adjacent to Court Barton Mews in 2017, noted "*the Council's evident approach to sustainability in Lamerton*" and found that there would be no material conflict with LP policy T5. I reach a similar finding in the appeal before me, as well as finding no material conflict with CS policy SP14.

Planning Balance / Overall Conclusion

27. When all of the above are weighed together, I find that the adverse impacts of the proposed development, having particular regard to the likely effect upon the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposal. In turn, this environmental harm leads me to find that the proposal would fail to secure sustainable development as required by CS policy SP1 and the Framework. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector

⁵ I note from the draft JLP that the LPA described Lamerton as having "*a good range of local services*".

⁶ APP/Q1153/W/16/3160586.