



Appeal Decision

Site visit made on 26 March 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/Q1153/W/18/3215427

Land West of Cannon Barn Cottages, Lewdown, Okehampton EX20 4BT

- 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 Heath Weymouth against the decision of West Devon Borough Council.
 - The application Ref 0978/18/OPA, dated 20 March 2018, was refused by notice dated 17 August 2018.
 - The development proposed is describe as a outline application (all matters reserved) for 1no. live/work unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Plymouth and South West Devon Joint Local Plan 2014 – 2034 (the Joint Local Plan) was adopted by the Council in March 2019 and replaced the West Devon Borough Council Local Development Framework Core Strategy Development Plan Document 2006-2026 (2011) and the West Devon Borough Council Local Plan Review (2005) as referred to in the Council's decision notice. The parties have had the opportunity to comment on the relevance of the newly adopted policies to the current appeal. I have therefore determined this appeal in accordance with the Joint Local Plan.
3. In February 2019 the latest version of the National Planning Policy Framework (the Framework) was introduced. However, the changes to the Framework are not directly relevant to the issues within this appeal, and I have used the latest version of the Framework without prejudice to any party.
4. For clarity, the site address in the header above is taken from the Decision Notice which I consider more accurately reflects the location of the appeal site.
5. The application was made in outline with all matters reserved for future consideration. I have dealt with the appeal on this basis, treating the submitted Site Plan as illustrative.

Main Issue

6. The main issue in this case is the effect of the appeal proposal on the character and appearance of the area.

Reasons

7. The appeal site relates to a rectangular shaped section of land positioned adjacent to the old A30 between the gardens of no.2 Cannon Barn Cottages and a detached dwelling West View Cottage.
8. At the point of the appeal site the settlement of Lewdown is at a transition into the rural landscape, with the site itself, alongside the adjacent gardens, representing a noticeable gap between the more sporadic and spacious outlying development further along this side of the old A30.
9. This outlying development is different in character to the closer knit buildings located on either side of the old A30 within Lewdown itself. The prevailing characteristic is of irregular ribbon development with undeveloped gaps, that are of a modest scale and massing which are set back and down from the old A30 aligning with the topography. As a result, views are possible between and above existing buildings out across to the attractive countryside.
10. The proposal is submitted in outline form, with all matters reserved for subsequent approval. I therefore do not have detailed plans before me to consider. However, from my appraisal of the characteristics and visibility of the site and surrounding area, I consider that even a modestly scaled building that is cut into the appeal site and retains the existing natural boundary screening, would nonetheless be visible from the old A30. The resultant effect would be to erode the open and undeveloped gap between Lewdown and the outlying properties referred to above.
11. This would harm the rural setting of Lewdown and would additionally prejudice the public views from the old A30 across the appeal site towards the open countryside. Whilst I have considered the appeal before me on its own individual merits, I also agree with the conclusions of the Inspector who considered an earlier appeal at the site in 2015 (APP/Q1153/W/15/3031331), who considered that housing development on the site could also cause it to be difficult to resist similar proposals which would further exacerbate harm to the open character and appearance of the landscape.
12. For the reasons outlined above, the proposal would have a harmful effect on the character and appearance of the area. The proposal would conflict with Policy DEV23 of the Joint Local Plan, which amongst other things, seek to ensure that new development reinforces local distinctiveness, conserves or enhances the characteristics and views of the area, is located and designed to respect scenic quality and maintains an area's distinctive sense of place.
13. The proposal would also conflict with Policy TTV26 of the Joint Local Plan, which amongst other things, seeks that development should, where appropriate help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

Other Matters

14. The appellant submitted in their Appeal Statement that the Council could not demonstrate a five year housing land supply. However, since that time, the Joint Local Plan was adopted and the Council advised that as a result, they could demonstrate a five year land supply, the appellant in their response to the adopted policies did not raise representations to the contrary on this point.

However, even in the event that the Council cannot demonstrate a five year housing land supply, this would not alter my decision with regards to this appeal. The adverse effects of the appeal development on the character and appearance of the area, would significantly and demonstrably outweigh the benefits that would arise from the contribution of a live/work unit to the housing supply of the area.

15. The appellant has drawn my attention to a number of other examples of proposals recently approved or earmarked for housing in the surrounding area. However, I do not have the full facts of these cases before me, and nonetheless there are differences informing the relevant judgements that are based on the specific circumstances of an individual case. As a result, I have afforded these examples limited weight in my considerations.
16. I also recognise that there are some social and economic merits to the proposal. However, these limited benefits would not outweigh the harm that I have identified to the character and appearance of the area.

Conclusion

17. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

J Evans

INSPECTOR