



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/Y1138/W/18/3216833

Yeo Vale Hotel, Lapford, Crediton EX17 6QT

- 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 R Trott of Ashborne Construction Solutions Ltd against the decision of Mid Devon District Council.
 - The application Ref 18/01102/FULL, dated 12 July 2018, was refused by notice dated 17 October 2018.
 - The development proposed is described as the erection of 9 dwellings following demolition of Public House.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of the proposal to reflect that provided within the Council's decision notice and on the Appeal Form, in the interests of accuracy and consistency.
3. Two signed but undated Unilateral Planning Obligations made under Section 106 of the Town and Country Planning Act 1990, as amended, have been submitted as part of the appeal paperwork by the appellant with regard to air quality and public open space. I also have a copy of a Draft Heads of Terms relating to a number of other matters, such as affordable housing provision, education, transportation and open space. During the appeal process, the appellant was notified of comments received with regard to these documents by the Council. No further documents had been received prior to making my decision.
4. The Council's Statement of Case referred to the Meeting Housing Needs – Mid Devon Supplementary Planning Document June 2012 (the MHN SPD). However, I was not provided with a copy of the MHN SPD through the appeal paperwork. As a consequence, I sought a copy of the MHN SPD from the Council, and this was subsequently provided to the appellant for comment.

Main Issues

5. The main issues are the effects of the appeal proposal on:
 - the character and appearance of the area;
 - whether the proposal would provide acceptable living conditions for future occupiers, having particular regard to outlook, private outdoor space and the provision of internal living space; and

- Whether or not a mechanism is in place to secure the delivery of affordable housing and necessary financial contributions.

Reasons

Character and appearance

6. The appeal site relates to the now redundant Yeo Vale Hotel and its associated grounds. It is an irregular shape site, primarily as a result of its relationship with adjacent public highways on two sides, one of which being the busy A377, which angle away from each other from the nearby Yeo Vale Cross. The two other boundaries to the site front towards a parking area associated with an adjacent dwelling and a side wall running the depth of the boundary with Rose Removals and an associated storage business. Due to its proximity to the A377, which was in regular use during my visit, the site and existing building is in a prominent location.
7. The proposal seeks to provide for nine dwellings on the site. Six of these would be located towards the Rose Removals site boundary, running in two groups. These would present inwards to the site fronting towards the entrance driveway and parking court. The three other dwellings would front towards the A377 and would also be in a single built mass. The proposal would include a fenced enclosure to the A377.
8. From my site visit I noted that there are a range of recent build types within the surroundings to the site, these present predominately in a linear manner at a two storey form, of a similar scale and actively engage to the public highway.
9. The proposal would differentiate from these characteristics. The layout of the development would be predominately inwards facing as a result of the siting of the six units in line with the Rose Removal site boundary, this sense of enclosure would be re-enforced through the proposed fencing to the A377. The layout would also provide for a predominance of hard surfaced materials due to the proposed access, parking and turning arrangements within the central section of the site. This layout would differentiate from the prevalent linear development that actively presents to the street scene found in the surrounding context to the site.
10. Furthermore, the proposed design, would present at a scale, form and appearance that is not prevalent within the surrounding built form. The three storey scale, the narrow width of each dwelling, the broad depth of the gable ends, the angle of the roof pitches and the mix and type of external finishes are not prevalent features in the area. As a consequence, the proposal would represent an incongruous design response to the site and would appear unduly out of place.
11. Whilst I acknowledge that the proposal would represent an efficient use of land, the manner in which the proposal would be executed would not represent an appropriate response to the site's context and would not represent a visually attractive development or a welcoming and distinctive place to live.
12. I therefore conclude on this main issue that the appeal proposal would represent a discordant development on a prominent site that would harm the character and appearance of the area. As a consequence, I find that the proposal would conflict with Policies COR2 of the Mid Devon Core Strategy

Local Plan Part 1 2007 (the CS), Policies DM1, DM2 and DM14 of Mid Devon Local Plan Part 3 (Development Management Policies) 2013 (the DMP) and Section 12 of the Framework which, amongst other matters, seek high quality design which has a clear understanding of the characteristics of the site, its wider context and the surrounding area.

Living conditions

13. The proposed accommodation would be for family sized dwellings. However, the size and standard of private amenity space proposed would not be commensurate to the likely end user. The private outdoor space would to my mind, be small¹ and in a number of circumstances would be enclosed on all sides. This would not represent an attractive or inviting outdoor space to the end users.
14. I also have concerns with the general standard of outlook from the proposal, whereby the windows would be facing over hard surfaced parking areas and enclosed spaces, which would not be conducive to an attractive living environment. The proposed internal layout would also be narrow and long with limited natural light, this would provide for a poor quality of circulation space and would not provide for adaptable space that can accommodate a range of occupiers and their changing needs over time.
15. As a result, I conclude that the proposal would not provide for an acceptable standard of living conditions for future users. It would conflict with Policy DM14 of the DMP which requires that new housing development should be designed to deliver, amongst other matters: Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows; suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage; adaptable dwellings that can accommodate a range of occupiers and their changing needs over time; and private amenity space that reflects the size, location, floorspace and orientation of the property.
16. The proposal would also conflict with Policy COR9 of the CS which, amongst other matters seek development to create attractive environments which are accessible to all as far as possible. There would also be conflict with paragraph 127 f) of the Framework which requires that decisions should ensure that developments promote a high standard of amenity for existing and future users.

Whether or not a mechanism is in place to secure the delivery of affordable housing and other necessary financial contributions

17. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

¹ The appellant in their Statement of Case through paragraph 5.44 outlined that 'the rear garden space provided for each the dwellings ranges from approximately 25 to 50 square metres.'

18. Whilst I have two undated Unilateral Planning Obligations and a copy of a Draft Heads of Terms, none of these documents represent a completed Planning Obligation that I can attach any significant weight to in coming to my decision.
19. With regard to affordable housing provision, Policy AL/DE/3 of the Allocations and Infrastructure Development Plan Local Plan Part 2 2010 (the AIDP), applies a target of 35% affordable housing on relevant sites and Policy MHN/9 of the MHN SPD allows for off-site contributions in lieu of affordable housing provision within a development site in specific circumstances, a suggestion which was made by the Council through pre-application dialogue with the appellant. I consider that the delivery of affordable homes and the need for long term arrangements to secure their continued availability for affordable housing use would be necessary due to the scale of the proposal. This could be appropriately achieved through an agree financial contribution in accordance with Policy AL/DE/3 of the AIDP and Policy MHN/9 of the MHN SPD. However, as I have outlined, I do not have a mechanism in place to secure the delivery of affordable housing.
20. In relation to the necessity of the remaining financial contributions as the appeal is to be dismissed on other substantive issues, it is not necessary to look at these in detail, as a conclusion either way would not affect the overall decision.

Other matters

21. The appellant has submitted that the Council can not currently demonstrate a five year land supply and as a result the tilted balance under paragraph 11 d) of the Framework should apply to the appeal development. The Council have not made any representations to the contrary in their submissions.
22. Nonetheless, even if I had concluded that the Council could not demonstrate a deliverable five year supply of housing sites, the adverse effects of the appeal development on the character and appearance of the area, upon future living conditions, on the delivery of affordable housing and other necessary infrastructure requirements, would significantly and demonstrably outweigh the benefits that would arise from the contribution of nine dwelling houses to the housing supply of the area.
23. A number of other matters have been brought to my attention through the appeal submissions, including those referring to the appropriateness of the site for a residential use as a result of the proximity to nearby industrial uses and the suitability of the highway road network. Whilst I have given the points raised careful consideration, they do not materially change my overriding conclusions on the appeal proposal in line with the development plan and material planning considerations.

Conclusion

24. For the reasons given above, having regard to all matters raised, I find that the adverse effects of the proposal, would significantly and demonstrably outweigh the benefits. I therefore conclude that the appeal should be dismissed.

J Evans

INSPECTOR