



Appeal Decision

Site visit made on 22 May 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/Q1153/W/19/3223269

Land to north of Beechwood Cottage Dippertown (SX 42887 84753)

- 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 Mrs J Enser against the decision of West Devon Borough Council.
 - The application Ref 0737/18/OPA, dated 28 February 2018, was refused by notice dated 18 January 2019.
 - The development proposed is described as the erection of dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In March 2019 Since the submission of the appeal, the Council has adopted the Plymouth and South West Devon Joint Local Plan 2014-2034 (the JLP). The local planning authority is now able to demonstrate a five year supply of deliverable housing sites. The reasons for refusal reference the policies of the then emerging JLP as they were at that time and the appellant has been able to make an assessment of the scheme against these emerging policies in their appeal statement. The Council have outlined in their statement that a number of the policies referred to in the decision notice have been updated in the adopted version of the JLP and the appellant has made comment upon the updated policies in their final comments. Therefore, no party has been prejudiced by the consideration of the appeal proposal against the policies of the now adopted JLP.
3. The planning application was submitted in outline, with approval being sought for access only. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the appeal development would provide a suitable location for housing, with particular regard to accessibility to services, having regard to development plan policies, the National Planning Policy Framework 2019 (the Framework) and material planning considerations;
 - the effects of the appeal development on the character and appearance of the area; and

- the effects of the appeal development on highway safety with particular regard to emerging visibility.

Reasons

Suitability of location

5. Policy TTV1 of the JLP provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The supporting text to this policy through paragraphs 5.7 to 5.10 names the settlements that are applicable to the hierarchy referred to in the sub-components of policy TTV1 as 'The Main Towns' (TTV1. 1), 'Smaller Towns and Key Villages' (TTV1. 2) and 'Sustainable Villages' (TTV1. 3).
6. The appeal site is located at the rural hamlet of Dippertown, which is not named in paragraphs 5.7 to 5.10. As a consequence, the appeal site is not located at one of 'The Main Towns', 'Smaller Towns and Key Villages' or 'Sustainable Villages'. The development would as a consequence, fail to align with TTV1. 1, TTV1. 2 or TTV1. 3.
7. It therefore follows that the development is assessed against policy TTV1. 4 of the JLP, the lowest level in the hierarchy of policy TTV1, which relates to 'Smaller villages, Hamlets and the Countryside'. TTV1. 4 states that development will be permitted in such locations only if it can be demonstrated to support the principles of sustainable development and sustainable communities in accordance with policies SPT1 and SPT2 of the JLP.
8. Policy SPT1 identifies a range of principles of sustainable development. SPT2 details a number of principles of sustainable linked neighbourhoods and sustainable rural communities. This policy amongst other matters, requires development to support the creation of neighbourhoods and communities which have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities. The supporting text to policy SPT2 explains that the more remote rural context of the sustainable villages of the TTV Policy Area are characterised by limited provision of physical services and amenities, and may depend on a wider networks of villages to the meet their wider service requirements.
9. From my visit to the site and the surrounding area I noted that Dippertown is situated in a remote rural context and does not itself contain services or facilities such as a local convenience store or a primary school. Further, the Council have advised in their planning officer's report that the nearest bus stop is a 1½ mile walk away at the Harris Arms, Portgate. The appellant has not contended this distance in their appeal submissions. From all of the information before me and what I saw during my visit, I have no reason to conclude contrary to the Council on this point.
10. In terms of the proximity of Dippertown to other settlements, the appellant has highlighted in their appeal statement that the appeal site is located approximately 1¾ miles to the north of Chillaton, 2½ miles east of Lifton and approximately 1½ miles south-west of Lewdown. The Council have suggested that the distances from these settlements is further by road.

11. These settlements appear to represent the closest locations to Dippertown which collectively provide a broad range of services and facilities. I noted from my site visit that they are all accessed via narrow winding roads from Dippertown, without public footways or street lighting. Even if I did agree with the appellant in terms of the distances highlighted, I am nonetheless of the view that the use of these routes by alternative means to the private motor car would not be particularly attractive as a result of their nature and the distances involved. Therefore, future occupants of the appeal development would be highly likely to be reliant on the use of private motor vehicles to meet their daily needs within the surrounding settlements.
12. I recognise the support given to rural housing in the supporting text to policy SPT2 and likewise in paragraph 78 of the Framework. However, given the lack of services in Dippertown, and the distance to the larger settlements of Chillaton, Lifton and Lewdown, I consider the support to these rural communities that could be provided by just one dwelling would be negligible.
13. Consequently, I do not consider that the appeal development would have a reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, as per policy SPT2. 1 of the JLP. Further, neither would the development be well served by public transport, walking and cycling opportunities as per policy SPT2. 6. The appeal development would therefore conflict with policy TTV1. 4 of the JLP as it has not been adequately demonstrated that it would support the principles of sustainable development and sustainable communities in accordance with policies SPT1 and SPT2 of the JLP.
14. I acknowledge the appellant's reference to paragraph 79 of the Framework, and I agree that, due to its proximity to other buildings, the appeal site is not entirely isolated. I also consider that for similar reasons policy TTV26.1 of the JLP is not directly relevant to the consideration of the appeal development against this main issue. Whilst this maybe the case, this does not address the conflict I have identified with other policies within the development plan as outlined above.
15. I have also had regard to the other appeal decisions referred to me by the appellant. However, I do not have the full facts of these cases before me, and there are differences informing the relevant judgements that are based on the specific circumstances of an individual case. Nonetheless, from all I could ascertain from these decisions, the appeal before me differs in that it is further from, and would not have good access to, facilities and services in the nearest settlements. I have afforded these examples limited weight in my considerations.
16. For the above reasons, I conclude that the appeal development would not have acceptable access to facilities and services and so would not be suitably located. It would not support the principles of sustainable development and sustainable communities and would therefore conflict with policies TTV1, SPT1 and SPT2 of the JLP.

Character and appearance

17. The appeal site is located within the hamlet of Dippertown, situated between low density dwellings to the north, east and south. The general character is of

- a pleasant and tranquil rural settlement, whereby built development is relatively unobtrusive when perceived from the narrow public highway that leads through it, being set mostly behind natural boundary enclosures and amongst mature landscaping.
18. From my site visit, I noted that the appeal site itself is not openly visible from wider viewpoints and is enclosed to the adjacent public highway by a boundary hedge. Views directly into the site from the highway are mostly limited to the point when leading towards the appeal site from the north-east, whereby such views are possible through the existing and proposed site entrance, from here rural farm buildings are visible as a backdrop in the distance. Visibility across the remainder of the site is limited to glimpses through the natural boundary enclosure to the public highway.
 19. The Council have referred to the appeal site as providing an important visual break within Dippertown. I consider that the principal value that the site provides to the character and appearance of the area is its natural boundary enclosure to the highway, alongside the perception that there is no physical built development situated immediately behind it. It is these factors that contribute to a natural break between the buildings on either side which positively contributes to the rural character of Dippertown.
 20. I consider that even if a sensitive approach to scale, design, landscaping, layout and the levels across the site was taken, alongside the retention and reinforcement of the natural hedging along the frontage with the public highway, development with associated paraphernalia and car parking areas would still be noticeable in this rural countryside location.
 21. As a consequence, the appeal development would therefore add to the built form within Dippertown eroding rural character, and the parking arrangements and the paraphernalia associated with residential occupation would have an urbanising effect on this rural area. This would be detrimental to local distinctiveness and the character and appearance of the surrounding landscape.
 22. I therefore conclude that the development of a single dwelling at the appeal site, would cause harm to the character and appearance of the area. It would conflict with policy DEV23 of the JLP which concerns landscape character and requires that development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts.
 23. The Council have referred to policy DEV25 of the JLP in their statement, however this policy relates specifically to nationally protected landscapes for which the appeal site falls some distance away from. The appellant has pointed this out in their appeal statement and the Council make the same point in their planning officer's report. Therefore, the policy is not of relevance to this appeal.
 24. Policy TTV26.1 of the JLP relates to isolated development, as I have found on the first main issue that the site is not isolated, I do not view that this policy is of relevance to the appeal development. I also do not find any direct conflict with policy TTV26.2.

25. To conclude, a single dwelling and associated domestic activities on the appeal site would harm the character and appearance of the area. The proposal would therefore conflict with policy DEV23 of the JLP.

Highway safety

26. The access to the site is subject to consideration at this outline stage. The site is served by an existing gated entrance. The appellant has suggested in their final comments that a visibility splay could be provided.
27. The Council consider that due to the alignment of the boundary hedge fronting onto the public highway, emerging visibility to the south would be impaired to the detriment of highway safety. The Council consider that whilst improvements to visibility could be achieved in this direction this would necessitate the loss of a significant majority of the boundary hedge which would be to the detriment of the character and appearance of the area. The Council accept that visibility to the north is not necessarily unsafe.
28. From my site visit, I noted that there was limited traffic movement through Dippertown and when this did take place, the speed of vehicles dropped as a result of the narrow width of the highway and the limited visibility of on coming vehicles at the point of the appeal site entrance, being where the highway bends through the settlement.
29. As a consequence, I agree with the Council with regard to the acceptability of the visibility to the north/ north-east. Turning to the visibility to the south, it is clear that this is restricted, and whilst vehicular movements through the settlement may be limited and slow moving, nonetheless, a vehicle exiting the appeal site would need to edge some distance into the highway before visibility towards the south was adequately achieved. Such an arrangement would not be conclusive to achieving an appropriate standard of highway safety.
30. Whilst emerging visibility could be improved to the south, which would be likely to necessitate the off-setting and reduction in height of the existing hedgerow, for the reasons I have outlined already in this decision, alterations to the boundary fronting onto the highway, would not be reasonable with regard to the effects of the development on the character and appearance of the area.
31. With that being the case, I am not satisfied that an appropriate standard of emerging visibility could be achieved to the south that would have an acceptable impact on highway safety and the character and appearance of the area.
32. For the above reasons, I therefore conclude that the development would conflict with policy DEV23 of the JLP, which amongst other matters, requires that development proposals should conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area. The development would also conflict with paragraph 109 of the Framework on the basis that it would result in an unacceptable impact on highway safety.

Other matters

33. The appellant submitted in their appeal statement that the Council could not demonstrate a five year housing land supply. However, since that time, the JLP

was adopted and the Council advised that as a result, they could demonstrate a five year land supply. 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 appeal development conflicts with the Council's overall settlement strategy, and would result in harm to the character and appearance of the area. It has also not been demonstrated that safe access to the site could be achieved. While I acknowledge there would be some limited social and economic benefits associated with the appeal development, the significant environmental harm indicates that the proposal would not be sustainable development.

34. I have also had regard to the letters of support submitted with regard to the appeal development and the support from the Parish Council. I have given the points raised careful consideration, however they do not materially change my overriding conclusions on the appeal development in line with the development plan and material planning considerations.

Conclusion

35. Taking all matters into consideration, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR