

Appeal Decision

Site visit made on 10 September 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2019

Appeal Ref: APP/W1145/W/19/3222236

**Land Opposite Bradford Primary School, Holemoor, Bradford, Holsworthy
EX22 7AB**

- 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 Mark Shillabeer against the decision of Torridge District Council.
 - The application Ref 1/0672/2018/OUT, dated 2 July 2018, was refused by notice dated 30 August 2018.
 - The development proposed is for a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the decision was made by the Council, the North Devon and Torridge Local Plan 2011 – 2031 (NDTLP) was adopted in October 2018, therefore the Torridge District Local Plan policies referred to within the Council Officer's delegated report have been superseded and replaced by those policies previously referred to in the decision notice as 'emerging', e.g. NDTLP Policies DM04 and ST07.
3. Furthermore, given the recent adoption of the NDTLP, the Council states that a five year housing land supply can be fully demonstrated for Torridge District. The appellant does not dispute this and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the countryside; and whether the location of the site is sustainable, in respect of its accessibility.

Reasons

Character and Appearance

4. The appeal site is situated down a narrow lane and comprises the north-western corner of a grass field. It is wholly agricultural in character, befitting of its rural location. Due north west of the site is the Bradford Primary School and the

Bradford and Cookbury Village Hall, both of which are in a relatively isolated location, unrelated to any other significant operational development, and away from the villages that they serve.

5. I note the appellant's reference to the Braintree case of 2018¹ which focussed upon the application of what was then paragraph 55 of the National Planning Policy Framework (the 'Framework') (now Framework para 79). The judgement in that case was that the advice to avoid new isolated homes in the countryside simply differentiated between the development of housing within a settlement, or village, and new dwellings that would be 'isolated', in the sense of being separate or remote from a settlement. Lord Justice Lindblom explained that whether a proposed new dwelling is, or is not isolated in this sense is a matter of fact and planning judgement for the decision maker, in the particular circumstances of the case in hand.
6. Regarding the scheme before me, and notwithstanding the presence of the school and village hall, the location of the appeal site is also relatively isolated and whilst I have been made aware of the fact that the appellant operates a garage in the local area, pursuant to Framework paragraph 79. a), I have not been made aware that there is an essential need for him to reside in the location proposed. Consequently, rural policies of restraint must apply here.
7. I note that the appellant would be happy for the proposed dwelling to be single storey and would use good quality materials to seek to blend it into the existing landscape. However, whilst I acknowledge that the site is relatively well screened by existing hedging, some of this would need to be removed in order to provide access and highway visibility (therefrom and thereto), and combined with associated domestic paraphernalia, a dwelling in this location would amount to an alien feature contrary to the predominantly undeveloped nature of the open countryside. I note reference to the other appeals determined by my colleagues, however, ultimately each case must be assessed on its own merits. Furthermore, the tilted balance towards a presumption in favour of sustainable development no longer applies as the Council can demonstrate that it fulfils its five year housing land supply requirement.
8. Overall on this issue, I consider that the proposal would give rise to an incongruous and adverse visual impact upon the character and appearance of the countryside. I find it contrary to NDTLP Policy ST07 which stipulates that in the countryside, beyond local centres, villages and rural settlements, developments will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is restricted to a countryside location. I also find that the proposal conflicts with NDTLP Policy DM04 which is concerned with design principles and seeks to ensure, amongst other things, that developments are appropriate and sympathetic to the setting, as well as reinforcing the key characteristics and special qualities of the area in which the development is proposed.

¹ *Braintree District Council v Secretary of State for Communities and Local Government and Ors* [2018] EWCA Civ610

Accessibility

9. As I have found above, the location of the site is relatively isolated notwithstanding the presence of the primary school and village hall due north west. I do however note that paragraph 3 of NDTLP Policy ST07 stipulates that in rural settlements which contain at least one prescribed service or community facility, appropriately located development of a modest scale will be enabled to meet locally generated needs.
10. Notwithstanding this, NDTLP Policy DM24 is concerned with rural settlements and highlights that 'qualifying settlements' will be formed by an 'obvious grouping' of dwellings physically separate from urban areas or other defined settlements which meet the qualifying criteria set out in NDTLP Policy ST07. As the appeal site does not form part of an obvious grouping of dwellings, I can only conclude that it does not fall within a 'rural settlement' and therefore it does not qualify as being located within such. Consequently, I find the proposal falls foul of NDTLP Policy ST07 and its paragraph 4, as the site does not form part of a small closely grouped or contiguous built form of housing; and it has not been demonstrated that the dwelling would meet a locally identified housing need, therefore it would not amount to affordable housing pursuant to NDTLP para 13.133.
11. Framework paragraph 78 highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that where there are groups of smaller settlements, development in one village may support services in a village nearby. I have no reason to doubt that the occupation of the proposed dwelling would go some way in providing additional demand for local services and facilities which could be deemed a benefit to the local rural economy, along with the short term benefits of employment stemming from the construction process of the dwelling.
12. I note that the site is served by a school bus, is in close proximity to a bus stop which serves the weekly 642 service to Bideford, is on a designated cycle network and is also served by Holsworthy Community Rural Transport (ring and ride service). However, in respect to the ring and ride bus services, I note that the timetable only runs from Monday to Friday and is zone based so does not serve the locality every day.
13. Further, Shebbear and Holsworthy are 4 and 8 miles away from the appeal site and I therefore conclude that future occupants of the appeal dwelling would be heavily reliant upon the use of private motor vehicles to access the majority of community services and facilities, as well as employment. Consequently, the location of the site, in terms of its accessibility would not be sustainable. I say this notwithstanding the fact that the traffic generated from a single dwelling on its own would be relatively limited, but nonetheless such a proposal would go some way in undermining the Council's Spatial Development Strategy for Northern Devon's Rural Area, contrary to NDTLP Policy ST07.

Conclusion

14. I acknowledge that there are a number of limited social and economic benefits associated with the proposal, but notwithstanding this, the scheme would give rise to the creation of a new residential unit of accommodation within a

relatively isolated rural location that would be obtrusive within the open countryside and would be unsustainable in respect of its accessibility.

15. All in all, the factors that fall in favour of the proposal do not outweigh the harm that I have found, and therefore having regard to the above and all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR