



Appeal Decision

Site visit made on 14 August 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/Q1153/W/19/3228301

Challoch Bungalow, The Crescent, Crapstone PL20 7PS

- 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 Paul Gray, Charles Gray Ltd against the decision of West Devon Borough Council.
 - The application Ref 3451/18/FUL, dated 18 October 2018, was refused by notice dated 24 April 2019.
 - The development proposed is 3 No detached four bedroom dwellings with integral garages, new access road and external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Zone of Influence of the Tamar European Marine Site Special Area of Conservation and Special Protection Area. The Council indicated that the proposal would be likely, either alone or in combination with other developments in the area, to have a significant effect on these designated sites. Whilst this did not form a reason for refusal, I invited further comments from the main parties during the appeal, given it is incumbent upon me as competent authority to consider any such effects on the sites. I address this matter later in my decision.
3. During the appeal, the appellant requested a revised plan¹ be accepted as a variation to those upon which the planning application was determined. The revised plans propose the removal of detached garages which would have been sited in front of the proposed dwellings.
4. Whilst amendments can exceptionally be accepted in line with the Wheatcroft principles², I am mindful that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. In this case however, the revised plans would represent ostensibly the same scheme but with a lesser scale of built development. As such, I am satisfied that my acceptance of the revisions would not prejudice the interests of any

¹ 1875(PL-)01/E

² Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

third party. I have therefore determined the proposal on the basis of the revised plans.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area, including whether it would conserve and enhance the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty (AONB) and the Dartmoor National Park (DNP);

Reasons

Character and appearance

7. The appeal site hosts a large detached bungalow in substantial grounds. The proposal would replace the existing dwelling with three substantial detached four-bedroomed dwellings. The site is located within the AONB and close to the boundary with the DNP which lies a short distance to the east.
8. Crapstone is fairly sizeable village characterised by a pleasing variety in the types, size, scale and orientation of dwellings. The dwellings in the vicinity of the appeal site are large detached and semi-detached properties set in spacious plots but the building pattern becomes more closely-knit with dwellings positioned closer to the highway further along The Crescent towards the central parts of the settlement. Immediately opposite the appeal site are dwellings which are also sited close to the highway edge but are set generously apart from each other. Overall, this gives the village a pleasant and informal character.
9. The proposed style, proportions, architectural detailing and materials would, in my judgement, be broadly compatible with the prevailing character of dwellings in the village and appropriate to the setting of the site on the edge of the settlement.
10. However, although the appeal site is a large plot, the proposed dwellings would also be substantial buildings. As a result, although they would be arranged in sequence parallel to the highway in line with the prevailing development pattern in the area, they would necessarily be located close to each other. According to the submitted plans, there would be a gap of approximately 2.5m between Plots 1 and 2, with Plot 3 being separated with a gap of around 3m.
11. Taking also into account the near-identical, albeit handed, appearance of the proposed dwellings, this proposed layout, in contrast to the informal and spacious character of the existing dwellings on The Crescent, would result in a discordant and regimented uniformity in the street scene. I therefore find the proposal would be unacceptably harmful to the character and appearance of the area. This harm would not be mitigated by the positioning of the dwellings some distance from the highway. Similarly, whilst the appellant seeks to draw an equivalence between the proposed density in terms of dwellings per hectare with other properties in the area, that is not in itself determinative of the effect of the proposal on the character and appearance of the area.
12. I appreciate the proposal was revised during the course of the planning application to incorporate improvements to the design and layout in response to officers' advice. Nevertheless, I have considered the proposal before me on the basis of its own merits.

13. Moreover, whilst the appeal site forms part of the built-up framework of the village, its peripheral location means it contributes positively to the setting of the village in the wider AONB where it transitions to open countryside. I saw that some filtered views into the site are gained when passing the village on the road to the east. In my judgement, the construction of an imposing form of development here as described above would be harmful to the soft edge of the village. Whilst the harm would not be significant in this respect, it would nonetheless fail to preserve and enhance the landscape and scenic beauty of the AONB.
14. The designated DNP lies beyond the road to the east. However, given the degree of separation I do not consider that the development would be harmful to its moorland landscape or scenic beauty.
15. In finding harm to the character and appearance of the area, including the AONB, I have had regard to two other appeal decisions³. These relate to a previous proposal at the appeal site and a proposal elsewhere within the village, provided by the Council and the appellant respectively. However, I am not familiar with the details of those schemes or the precise details which were considered. It is nevertheless clear that the previous appeal at Challoch, which was decided in April 2019, was for a different scheme comprising 4 dwellings and a new access which limits the weight I attach to it.
16. Similarly, I recognise that the Inspector on the Bay Tree House scheme concluded that that development would not harm the character and appearance of the area or, by virtue of the site's location in an area of residential character, the AONB. However, whilst no further details of that development have been provided including its precise location, it was for a different form of development on a site further along The Crescent well away from the settlement's edge, where the pattern of development is more tightly-knit. That case is not therefore reasonably comparable to the current appeal and this limits the weight I attach to it.
17. In conclusion on this main issue therefore, whilst in another context the design of the individual dwellings would not be inappropriate, the layout of the scheme would lead to a development which would be cramped in appearance and harmful to the character and appearance of the area and the AONB. As such, it would conflict with Policies SPT1, SPT2, DEV20, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan (March 2019) (the JLP). Those Policies require development proposals to meet a good standard of design, contributing to both townscape and landscape, including nationally protected landscapes.
18. For the same reasons it would not accord with Sections 12 and 15 of the National Planning Policy Framework which aims to create high quality places and conserve and enhance the natural environment.

Other Matters

19. As noted above, the Council identified that harm would arise to designated habitats of international significance. It also indicated that any such harm

³ Appeal Refs APP/Q1153/W/18/3210614: development of 4 dwellings, new access road and external works, Challoch; and APP/Q1153/W/17/3172114: 2 storey detached dwelling, demolition of existing garage & alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance, Bay Tree House

- would be capable of being mitigated through the imposition of a planning condition. This would require, prior to occupation of the development, the payment of a financial contribution to Strategic Access and Management Measures, in line with a protocol developed with Natural England and others.
20. Whilst the appellant is also willing to accept such a condition, I have significant concerns, having regard to the Planning Practice Guidance, that financial contributions should only be secured through the use of a negatively worded condition in exceptional circumstances, and for more complex and strategically important projects.
21. Also of considerable significance is the principle set out in case law⁴ that mitigation measures should only be taken into account in relation to designated sites, having first undertaken a project-specific Appropriate Assessment (AA).
22. Accordingly, I invited the views of the main parties during the course of the appeal on these matters. In response, the Council confirmed an AA had been undertaken at the application stage, in consultation with Natural England. Furthermore, the appellant indicated a willingness to make financial contributions through the execution of a legal agreement under s106 of the Town and Country Planning Act 1990. However, no such Agreement or Undertaking is before me. In any event as the appeal fails on the main issue, I have not considered this matter further.
23. The Council has referred to the draft Buckland Monachorum Neighbourhood Plan (the BMNP). However, it is at an early stage of consultation and my attention has not been drawn to any draft policies which would be directly relevant to the merits of this appeal. Whilst the main parties have referred to that draft Plan in the context of a settlement boundary for Crapstone, the Council did not refuse the application on the basis that the appeal site is not, in principle, a suitable location for development. I therefore attach little weight to the BMNP in this case.
24. The appellant has referred to the presumption in favour of development as set out in the Framework and also to its three overarching sustainability objectives. However the Framework also states that these are not criteria against which every decision can or should be judged and that the 'presumption' does not change the statutory status of the Development Plan as a starting point for making a decision.
25. Nevertheless, the proposal would have a number of economic, social and environmental benefits to which I have had regard. In providing a net additional two dwellings, there would be a windfall contribution to the local housing land supply, in line with Government priorities, in an area where there is some accessibility to employment, day-to-day services and facilities including public transport.
26. Moreover, local employment would be supported both during the construction phase and in helping to sustain local shops, services and other businesses on an ongoing basis. The development could also provide enhanced landscaping and be constructed so as to be energy efficient.
27. There would also be a contribution towards local public finances through Council Tax and New Homes Bonus payments, although such monies offset, to

⁴ People over Wind, Peter Sweetman v Coillte Teoranta [2018] EUECJ C-323/17

a large extent, the additional burdens of new households. Similarly, whilst the area lies in the lowest risk flood zone, that is a neutral consideration in the overall planning balance.

28. Overall, I consider the benefits associated with the scheme would be limited given the relatively small scale of the scheme and would not be sufficient to outweigh the harm I have identified.

29. I have also had regard to a range of representations raised by interested parties objecting to the scheme. However, as the appeal is unacceptable for other reasons, any such concerns would not alter the outcome of my overall planning balance, and it is not necessary for me to address these matters further in this decision.

Conclusion

30. For the reasons given, the appeal should be dismissed.

Ian Bowen

INSPECTOR