



Appeal Decision

Site visit made on 24 September 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/P1133/W/19/3232458

3 Fordens Lane, Holcombe EX7 0LD

- 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 & Mrs C & S Liddle against the decision of Teignbridge District Council.
 - The application Ref 19/00401/OUT, dated 25 February 2019, was refused by notice dated 16 May 2019.
 - The development proposed is construct 2 dwellings, creation of access and associated works to the highway.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is for outline planning permission with all matters reserved. Drawings have been provided indicating the potential layout of the site and access arrangements, which I have treated as illustrative.

Main Issue

3. The main issue is whether the site is in an appropriate location for new housing, with regard to local and national planning policy.

Reasons

4. There is no dispute that the Teignbridge Local Plan 2013-2033 (LP) identifies certain settlements, which do not include Holcombe, as suitable for additional housing development. Outside these areas, LP Policy S22 classifies land as open countryside, where development and investment will be managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy.
5. In order to meet the above aims, LP Policy S22 goes on to clarify that in locations such as the appeal site, development will be limited to various clearly defined types that do not include open market housing, including for self-build, such as that proposed. The proposal is, therefore, in conflict with Policy S22.
6. The National Planning Policy Framework, at Paragraphs 77-79 sets out the Government's policies in relation to rural housing. The judgement of *Braintree DC v SSCLG [2018] EWCA Civ 610* is relevant to the application of these policies. The site is well related to other dwellings in Holcombe and would not be isolated, so the particular circumstances outlined at Paragraph 79 would not

- fall to be considered. Paragraph 78 indicates that rural housing should be located where it will enhance or maintain the vitality of rural communities and indicates that where there are groups of smaller settlements, development in one village may support services in a village nearby.
7. Holcombe has a limited range of services and facilities that may benefit from the increased patronage that could result from additional housing. Also, given the relative proximity to Dawlish and Teignmouth, development could also support services in those settlements, to the benefit of the vitality of all three settlements. Therefore, I find that the general aims of this part of the Framework offer some support for the proposal.
 8. Widening works are proposed to the access lane, together with visibility improvements at the junction with Teignmouth Road. These could improve highway safety for existing users of the lane and so represent some benefit. However, as the appellants' appeal statement indicates that there had been no recorded accidents at the junction of the lane in the 5 years up to 2016, the existing arrangement does not appear to be particularly unsafe. I, therefore, attribute only limited weight to these benefits.
 9. The Council has raised some concern about the effect of the development on the character and appearance of the area, although this did not form a reason for refusal so their final position is unclear. If I were to accept the appellant's position that the proposal did not cause any such harm, and that dwellings could be designed so as to maintain appropriate living conditions for neighbouring residents, these matters would be neutral in the planning balance.
 10. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Whilst it may be possible to access services and facilities in nearby settlements, and beyond, fairly easily by non-car means, the site is not in a location that the LP seeks to permit new housing.
 11. Although the proposal may comply with a number of the detailed general criteria outlined in LP Policy S1 that all development should perform well against, the Policy is clear that such matters are subject to other Development Plan policies which may determine the suitability of the location for the proposed development. There is a clear conflict with the development plan in that regard and, therefore, I find a conflict with the development plan, considered as a whole.
 12. To some degree, I have found that the Framework offers some support to the proposal. However, notwithstanding that social and economic benefits such as those outlined above could arise, and that the development may make use of an undeveloped parcel of land, surrounded by other development, the Framework is clear that its 3 objectives of sustainable development should be delivered through the preparation and implementation of plans and the application of policies in the Framework. As there is no dispute that the development plan is up to date, the policies of the Framework do not outweigh the conflict with the development plan.
 13. I understand from the appellant's statement that Holcombe has accommodated some development in the past, including a site at Littleleigh under LP Policy DA5 and that there is an extant permission for an additional house to the side

of No.3 Fordens Lane. However, I have little information about the particular circumstances of the Littleleigh site and I understand that permission for the additional dwelling at No.3 was given at a time that the Council could not demonstrate a 5 year supply of deliverable housing land. The balance of considerations would, therefore, likely have been different and so these other developments do not lead me away from my above findings.

Other matter

14. I note evidence surrounding potential effects on the Dawlish Warren Special Area of Conservation and the Exe Estuary Special Protection Area. A Unilateral Undertaking (UU) has been provided in respect of measures to mitigate impacts on these European Nature Conservation Sites. However, whether or not the UU would adequately mitigate any impact, as I am dismissing the appeal, there would be no pathways that would lead to significant adverse impacts on these sites.

Conclusion

15. With regard to the above, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR