



Appeal Decision

Site visit made on 13 September 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/W1145/W/19/3232360

Springfield Meadows, Halwill Junction, Beaworthy, Devon EX21 5UF

- 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 Bob Langford against the decision of Torridge District Council.
 - The application Ref 1/0196/2019/OUT dated 4 March 2019, was refused by notice dated 1 May 2019.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline. The application form indicates that approval is sought only for access, with the matters of layout, scale, appearance and landscaping reserved for future approval. I have dealt with the appeal on this basis.
3. I have used the site address from the Council's decision notice within the banner heading above as this is more complete.

Main Issues

4. The main issues are (i) whether the proposal would adhere to the Council's spatial development strategy for residential development within Northern Devon's Rural Area; and (ii) whether or not the site would be accessible by a range of transport modes thereby minimising reliance on the private motor vehicle.

Reasons

Spatial development strategy for residential development

5. The appeal site is a small parcel of land located within the Springfield Fisheries operation, which is located on the western side of Halwill Junction and encompasses several fishing lakes, owners accommodation, managers accommodation and several holiday units.
6. The appeal site currently comprises a combination of a grassed area and a pond near to the site's northern boundary, with the existing access route into the fisheries to the west. The A3079 road adjoins the site to the north and provides access to the appeal site.

7. It is proposed to erect a dwelling at the appeal site, which would be occupied by the current owners of Springfield Fisheries as a self-build retirement property. The remaining land and other residential and holiday-let properties associated with the business would be sold to a third party.
8. Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (October 2018) (NDTLP) sets out the Council's spatial development strategy for Northern Devon's Rural Area. The policy supports development which accords with the Council's settlement hierarchy of Local Centres, Villages, Rural Settlements and Countryside. Within Local Centres and Villages development will be supported within development boundaries and on allocated sites defined on the Policies Map.
9. The appellant argues that the Council have failed to put forward any evidence to support the spatial development strategy and therefore it conflicts with advice contained within the Planning Practice Guidance (Paragraph: 009 Reference ID: 67-009-20190722), which relates to the use of blanket policies restricting housing development in some types of settlements.
10. However, I note that the supporting text to Policy ST07 of the NDTLP sets out in detail the Council's approach to the spatial development strategy for Northern Devon's Rural Area. In particular, Paragraph 4.10 explains that the purpose of the policy is to allow villages to grow to maintain the viability of the rural area, whilst also seeking to ensure that development does not exacerbate the areas dispersed settlement pattern, that the landscape quality is not compromised and any conflicts with the principles of sustainable development are minimised. Consequently, I consider that the Council's spatial development strategy is based on an appropriate evidence base.
11. The settlement of Halwill Junction is identified as a Local Centre by Policy ST07 of the NDTLP. Criterion (1) of Policy ST07 states '*Local Centres, will be the primary focus for development in the rural area; development will be supported in accordance with the local spatial strategies, to enhance the sustainability of the locally important service centres and to enable wider than local needs to be met*'.
12. Policy HAL of the NDTLP sets out the local spatial strategy for Halwill Junction. The policy aims to deliver a minimum of 30 dwellings, including affordable homes, to meet the range of housing needs in the local community. The supply of housing will be delivered through extant planning consents and an additional site allocation with a capacity for approximately 25 dwellings. Policy HAL02 of the NDTLP identifies Land East of Chilla Road for the development of approximately 25 dwellings.
13. The appeal site is located adjacent to, but outside of the development boundary for Halwill Junction. In addition, it does not form part of the allocated site for residential development. Therefore, for the purposes of Policy ST07 of the NDTLP, the appeal site is within the countryside.
14. The appellant argues that the appeal site is previously developed land, which adjoins the other development within Halwill Junction, and it is thus a suitable location for residential development, which would contribute to the rural area's economy and social vitality, in particular because it would enable existing residents to remain in the village.

15. In addition to the above, the appellant also contends that it is unlikely that the housing delivery objectives of Policies HAL and HAL02 of the NDTLP will be met during the plan period. In respect of the allocated site at Land East of Chilla Road, it is argued that the infrastructure requirements associated with the development are too onerous and therefore that no developer would be interested in bringing the site forward. However, no information has been put forward to substantiate this argument. Accordingly, and given the recent adoption of the development plan, I have afforded the appellant's assessment of Policies HAL and HAL02 of the NDTLP limited weight in my overall assessment.
16. In this instance, the site is located within the countryside and outside of the development boundary for Halwill Junction. In such locations, there is a presumption against new open market residential development, with Criterion (4) of Policy ST07 stating that *'development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location'*. On the evidence that is before me, the proposal does not satisfy any of the circumstances identified by Criterion (4) of Policy ST07 of the NDTLP.
17. In addition to the above, Paragraph 4.16 of the supporting text to Policy ST07 of the NDTLP states that *'housing, adjoining a Local Centre, Village or Rural Settlement, may also be enabled on an "exceptions" basis to meet an identified local need that could not otherwise be addressed'*. The appellant maintains that as the proposal would be a self-build property, it would qualify as an 'exception dwelling' and thus it would be suitable in a countryside location. Policy ST19 of the NDTLP deals with 'exceptions' and it relates solely to affordable housing. The proposal is for an open-market dwelling and therefore it would not meet the definition of an 'exception dwelling', as set out within Policy ST19 of the NDTLP.
18. In conclusion, the proposal would conflict with the Council's spatial development strategy for residential development within Northern Devon's Rural Area and if allowed would undermine the local spatial strategy for Halwill Junction, which seeks to boost housing supply through extant planning consents and the delivery of approximately 25 dwellings on an allocated site. Consequently, the proposal would not accord with Policies ST07, HAL and HAL02 of the NDTLP.
19. In reaching the above conclusion, I am cognisant of the fact that the proposal would not result in the creation of an isolated home in the countryside in the context of paragraph 79 of the National Planning Policy Framework (the Framework), in so far as that the dwelling would be in close proximity to a number of existing buildings and indeed the defined settlement. Furthermore, I note that the proposal would lead to the development of previously developed land as distinct from greenfield land which is a positive matter to weigh in the overall planning balance. However, these are not matters which overcome the very weighty conflict with the identified development plan policies above.

Accessibility to a range of transport modes

20. Halwill Junction benefits from a range of services and facilities, including several shops, a post office, a community hall and primary school, sports and play provision and a regular doctor's service. Public transport services also link the village with larger settlements.

21. Most of the services and facilities are located near to the junction of Station Road and the A3079, which is approximately 700 metres to the east of the appeal site. The closest bus stops are located on the A3079 approximately 250 metres (eastbound service) and 350 metres (westbound service), respectively, to the east of the appeal site.
22. The appeal site is accessed from the A3079. The section of the road outside the appeal site has no pedestrian footway. Consequently, occupiers of the proposed development would have to walk on a grass verge for approximately 140 metres to reach the nearest pavement, which provides pedestrian access to the local services and facilities and bus stops to the east of the appeal site.
23. On my site visit, I noted that the grass verge was of a variable width and overgrown in parts, which would make it difficult to use for pedestrians coming and going from the appeal site, without walking onto a busy road and into the path of on-coming vehicular traffic, which would be prejudicial to pedestrian safety. This adverse matter would be amplified for those with mobility issues such as wheelchair and pushchair users, to whom the use of the grass verge would be impractical, thereby forcing such individuals into the road. As such, the use of the grass verge by pedestrians, especially those with mobility issues, to access to the local services and facilities and bus stops to the east of the appeal site would not be an attractive alternative to the use of the private motor vehicle for most journeys.
24. I accept that the proposed dwelling on the site would be no less accessible to the services and facilities within Halwill Junction and the bus stops on the A3079 by pedestrians, when compared to the occupiers of the existing owners accommodation, managers accommodation and holiday units. However, the existing properties appear to pre-date the development plan and the Framework. Consequently, a precedent has not been set in favour of allowing the appeal.
25. In conclusion, the proposal would be prejudicial to pedestrian safety and thus future occupiers of the proposed dwelling would be unacceptably reliant upon the private motor vehicle to access day to day facilities and services. Consequently, the proposal would not accord with Policy DM05 of the NDTLP which requires new development to consider the needs and accessibility of all highway users, including pedestrians. In addition, the proposal would not accord with the Framework which seeks at paragraph 108 to ensure that '*safe and suitable access to the site can be achieved for all users*'.

Other Matters

26. The proposal would make some contribution to the vitality and viability of the facilities and services in the adjacent settlement. However, any social or economic benefits associated with the erection of only one dwelling would be modest. Such benefits would not be significant enough to alter or outweigh my conclusions on the main issues.
27. The Council state that the section of the grass verge between the appeal site and Springfield Barn, is not public highway, but private land. Consequently, they say that use of the grass verge by pedestrians cannot be secured in the long term. This is disputed by the appellant. The position regarding this matter is not certain. However, even if the grass verge was part of the public highway

and could be reasonably used by pedestrians on a permanent basis, this would not in any event overcome my concerns in respect of the second main issue.

Conclusion

28. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR