



Appeal Decision

Site visit made on 8 July 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2019.

Appeal Ref: APP/Q1153/W/19/3225836

Site at SX573976, Folly Gate, Okehampton EX20 3AB

- 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 Kim Hawkins-Sampson against the decision of West Devon Borough Council.
 - The application Ref 3441/17/OPA, dated 9 October 2017, was refused by notice dated 27 February 2019.
 - The development proposed is outline application for the construction of 25 dwellings, associated car parking, access and estate road, private amenity space and public open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was made in outline with all matters save for access reserved for future consideration. The proposed illustrative site layout plans show an option for the layout of the proposal. However, in the context of the outline application, I have treated all aspects save for the access of the proposed site plans as illustrative.
3. Since the appeal application was determined, there has been a material change in the policy context. The National Planning Policy Framework (the Framework) was updated in February 2019. The Plymouth and South West Devon Joint Local Plan 2014 – 2034 (JLP) was adopted by the Council on the 26 March 2019 and replaces the previous Local Plan Review. Consequently, the Council now has a five year housing land supply. The parties have commented on the new policy circumstances.

Main Issues

4. The main issues are:
 - whether the proposal would make adequate contributions towards education and community facilities to mitigate the impacts of additional residents; and
 - the effect of the proposal on the character and appearance of the village and wider area.

Reasons

Education and community facility contributions

5. The appeal proposal would provide 23 dwellings in Folly Gate which is a 'sustainable village' as defined by Policy TTV1 of the JLP. It has limited

facilities, such as a village hall and a public house. Under Policy TTV1, some housing growth is to be provided in the sustainable villages over the plan period in order to help sustain the limited facilities, with a further emphasis on meeting local needs or by communities identifying such schemes through a neighbourhood plan process.

6. Policy DEV30 of the JLP sets out that major housing will be considered in the context of the sufficiency of the community infrastructure to meet the demands generated by the development. Policy DEL1 sets out that the Councils will seek to mitigate the impact of development on infrastructure, including its cumulative impact, through direct provision or a financial infrastructure contribution. DEL1 also indicates that robust viability evidence is required where the planning obligations sought would render the scheme economically unviable, allowing for the social, economic and environmental benefits of the scheme to be balanced in such a scenario.
7. A unilateral undertaking has been submitted which seeks to provide £15,000 towards a new village hall and £80,000 towards education provision. The same undertaking seeks to deliver seven affordable dwellings with five affordable rented and two social rented houses.
8. The total achievable contribution of £95,000 that could be used for education and/or community facilities was identified through an objective review of the appellant's viability assessment commissioned by the Council. Whilst this falls short of the full amount requested by the Council, I have found nothing to suggest that the scheme could be amended in any way to achieve a higher contribution. The evidence also indicates that the viability of the scheme is consistent with viability scenario testing undertaken during the production of the JLP.
9. However, the wording in the unilateral undertaking has been the subject of much alteration and there is still doubt about its ability to provide the mitigation contributions in the manner envisaged at the appropriate junctures. As such, I cannot afford any weight to the undertaking in the planning balance.
10. In view of this main issue, the proposal would not make adequate contributions towards education and community facilities to mitigate the impacts of additional residents, contrary to JLP Policies DEV30 and DEL1.

Character and appearance

11. Folly Gate is a small settlement which has evolved around the cross roads of the main north-south A386 and the adjoining rural road which runs in a westerly direction. Existing housing and development lie to the west of the A386 and both sides of the rural road. The 'Crossways Inn' public house lies adjacent to the junction of the two roads.
12. There are some gaps in between the existing built form of the settlement along the A386 both north and south of the 'Crossways Inn'. To the north, the gaps are more numerous but views into those fields are available over the low level and generally open fencing. These fields are more appreciable as gaps that separate the built elements of the village given the openness of their boundary treatment to the road. The appeal site separates the central part of the village from the 'New Road' estate and village hall. It has a high hedge along its

frontage which largely blocks views into the site itself, limiting its ability to provide a view or appreciable separation between the existing built elements.

13. As shown on the detailed access plans, the appeal proposal would remove a large extent of hedgerow along the A386 frontage to create a new access with requisite visibility splays. This, along with the development of the houses within the appeal site itself, would result in the visual coalescence of the southern and central areas of the village. Whilst this would be a change, it would not be a harmful one, and instead provides an opportunity to draw the New Road estate to form part of a more unified village core and add to the visual presence of the village along the A386.
14. In view of this main issue, subject to the consideration of scale, layout, appearance and landscaping as part of a future reserved matters application, the proposal would not have a harmful effect on the character and appearance of the village or wider area. The proposal would therefore comply with Policy TTV26, which requires that development protects the special characteristics and role of the countryside and enhance the immediate setting of the site.

Other Matters

15. I note the community concerns in respect of the layout of the proposal and the potential mix of housing. Given the outline nature of the application, these matters are reserved for future consideration in any case. Similarly, there can be no inferences drawn from the indicative layout plans that the estate road would be laid out to facilitate any further extension of the scheme.
16. I note the concerns that the proposal would harmfully affect the privacy of occupants of Myrtle Cottage and also negatively affect the setting of the building itself, which, given its age, may be considered to be a non-designated heritage asset. The proposal has the potential to affect the setting of the building, but given that it is in outline form, such impacts can be addressed at the reserved matters stage.

Conclusion

17. The proposal is sustainably located and would not cause harm to the character of the village or wider area. It would also provide additional choice in the housing stock of market dwellings and help to sustain the local public house and village hall. However, due to the deficiencies with the submitted planning obligation, it would fail to deliver affordable housing and would fail to provide the contributions required to mitigate the impacts of additional residents.
18. For the reasons given above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR