
Appeal Decision

Site visit made on 5 November 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/U1105/W/19/3234790

2 Sunnymead, Talaton Road, Whimble EX5 2QL

- 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 D Rawlins against the decision of East Devon District Council.
 - The application Ref 18/2933/FUL, dated 21 December 2018, was refused by notice dated 28 February 2019.
 - The development proposed is described as the construction of detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy and consistency, I have amended the original description of development to reflect that provided on the Council's decision notice.

Main Issues

3. The main issues are:
 - Whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on motor vehicles; and,
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location of Development

4. The appeal site is located on a corner plot at Perriton Cross, adjacent to the junction of Talaton Road and a road that leads from Perriton Cross to Venns Cross. The site comprises part of a substantial open area of roughly grassed land which slopes gently downhill from the boundary with Talaton Road and towards a stream located north of the site. Access to the appeal site is currently achieved from a gate located on the road that joins Perriton Cross to Venns Cross.
5. Strategy 27 of the East Devon Local Plan 2013–2031 (the Local Plan) relates to development at small towns and larger villages which include Whimble. Whilst

there is residential development close to the appeal site, the evidence before me indicates that the site is located outside of the Built Up Area Boundary (the BUAB) of Whimble.

6. Strategy 7 of the Local Plan provides that parts of the plan area outside the BUAB and site-specific allocations shown on the Proposals Map, are considered to be in the countryside. This Policy seeks to restrict development outside of the BUAB unless it accords with a specific Local or Neighbourhood Plan policy which explicitly permits it and where there would be no harm caused to the amenity and environmental qualities of the distinctive landscape in which it is located.
7. Policy TC2 of the Local Plan confirms that new development should be located so as to be accessible by pedestrians, cyclists and public transport as well as being well related to compatible land uses, so as to minimise the need to travel by car. From the evidence before me, and from observations made on my site visit, Whimble contains a good level of facilities including pubs, shops and a railway station.
8. However, the evidence also indicates that the appeal site is located in excess of 500 metres from the train station, and over 700 metres from other facilities contained within Whimble, such as the primary school and village shop. Whilst such distances would be manageable for many who wish to travel on foot, there are no footpaths, and very few street lights, on the narrow lane which connects the appeal site to the centre of the village. Consequently, this would make walking or cycling to the services and facilities located within Whimble generally unattractive particularly at night time or in adverse weather conditions and especially for those with restricted mobility.
9. I therefore consider that the site is not sufficiently accessible to the services within Whimble and would be likely to lead to increased private vehicle usage rather than reliance upon non-car modes. Whilst it has been put to me by the appellant that there is a bus stop outside of the appeal site, I have not been provided with details of any bus schedule and timetable and therefore cannot be sure as to the times or frequency of any services at this location.
10. Accordingly, the proposal would conflict with Strategy 27 of the Local Plan and would not comply with Policy TC2 of the Local Plan insofar as it requires development to be located where it will encourage efficient, safe and accessible means of transport with overall low impact on the environment. The appeal scheme would be located outside of Whimble and the BUAB as shown on the map included at Section 15 of the East Devon Villages Local Plan and would be contrary to those provisions of the National Planning Policy Framework (the Framework) which seek to improve environmental conditions within the area by protecting the countryside from inappropriate development where there would be likely to be a reliance on private motor vehicles.

Character and Appearance

11. As noted above, the appeal site is located outside of Whimble and is considered to be within the countryside in the context of the Local Plan. The open areas of land, presence of woodland and mature hedgerows in combination with the narrow nature of the surrounding lanes and highways, help define the site's semi-rural setting. The open area of roughly grassed land and its surrounding

vegetation make a positive contribution to the semi-rural character and appearance of the surrounding area.

12. The proposed dwelling would be sited in the south eastern section of the site, in a prominent position adjacent to Perriton Cross and would therefore be highly visible from the public realm. As noted above, the site is located outside of the settlement and, in my view, comprises part of an area which marks the transition between the built up area of Whimple and the countryside. Whilst I acknowledge that the proposed dwelling would be sited close to other residential development, it would add to the sporadic nature of built form which extends the settlement further out into the undeveloped countryside.
13. As such I find that the introduction of a dwelling at the site would add to the built form within this semi-rural location, with parking arrangements and the paraphernalia associated with residential occupation likely to result in a change to the character and appearance of the surrounding area. The proposed dwelling would be physically and visually separated from the nearest settlement and, by reason of the above, would be detrimental to local distinctiveness and the character and appearance of the surrounding landscape.
14. For the above reasons, the appeal scheme would conflict with Strategy 7 and Policy D1 of the Local Plan which, together and amongst other things, seek to ensure that development does not harm the amenity and environmental qualities of the surrounding landscape or result in harm to local distinctiveness.

Other Matters

15. I have had due regard to the Public Sector Equality Duty (the PSED) contained in section 149 of the Equality Act 2010 and to the information regarding the appellant and the health of his wife, and how the appeal development might assist in this regard. Notwithstanding these important considerations, it does not follow from the PSED that the appeal should succeed. Dismissing the appeal would mean that the appellant may have to consider other options for meeting their accommodation needs and their desire to reside in this area and within an energy efficient home which is constructed using modern materials. However, there is no evidence before me to demonstrate the appeal proposal is the only means by which such needs may be met. Accordingly, dismissing the appeal would be a proportionate response given the identified harm.

Planning Balance and Conclusions

16. In summary of the above, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area and would not be sustainably located with regards to minimising the need to travel by private motor vehicle. The appeal scheme would not therefore accord with the development plan when taken as a whole, and I attach significant weight to the harm identified above.
17. Notwithstanding the above, the Framework recognises that new housing can contribute to the vitality of rural communities by helping to support local services. As such, I accept that an additional household at the appeal site could play a small part in supporting the viability of services within Whimple. Additionally, the appeal scheme would provide some economic benefits in terms of limited employment opportunities during the construction phase.

18. The proposed scheme would also provide some social benefits in terms of a contribution of a dwelling towards local housing supply and would provide some environmental benefits through the incorporation of solar panels within the design of the proposed dwelling.
19. However, I find that the above potential benefits would be limited in nature due to the scale of the proposal. Consequently, I conclude that the limited benefits of the appeal scheme would not outweigh the significant harm that would result from the development plan conflict and those forms of harm as identified above.
20. For the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR