



Appeal Decision

Site visit made on 15 October 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/Q1153/W/19/3234249

**Royal Exchange Inn, Road From Harris Arms To South View, Lewdown
EX20 4BX**

- 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 P Sergeant against the decision of West Devon Borough Council.
 - The application Ref 3337/18/OPA, dated 2 October 2018, was refused by notice dated 17 April 2019.
 - The development proposed is outline planning permission for three dwellings (2 in the grounds of the former carpark and one (log cabin) in the grounds of the existing stables).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal follows an outline application, where the only matter to be considered is access. Matters of appearance, landscaping, layout, and scale are reserved for later consideration.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

4. The main issues in this appeal are:
 - Whether or not the appeal site is in a suitable location for new housing, having regard to the proximity to local services;
 - Whether or not surface water run-off and foul drainage could be appropriately managed within the site; and
 - The effect of the proposal on significant trees of identified public amenity value.

Reasons for the Recommendation

Suitability of location for new housing

5. Policy TTV1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (adopted March 2019) ('Local Plan') provides a hierarchy of sustainable settlements, and it is not in dispute that the appeal site is over 1 mile away from the village of Lewdown, which is identified as a sustainable village within the Local Plan. In this regard, the appeal site is located within the open countryside for planning policy purposes.
6. Although not referred to within the Council's decision notice, my attention has been drawn to Policy TTV26 of the Local Plan which the Council considers is relevant to the appeal proposal. This policy seeks to protect the special characteristics and role of the countryside. It seeks to prevent isolated development in the countryside unless certain exceptional circumstances are met. In this regard the supporting text identifies that new homes that are distant from existing services and amenities do not represent a sustainable solution to the need for new homes in rural areas.
7. The appeal site adjoins the former Royal Exchange Inn and, in this regard, the new dwellings would not be detached from existing development. However, they would be sited some distance from the village of Lewdown and the services and facilities that are provided here, including a shop, post office, pub, village hall and primary school.
8. *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 held that, "... the word 'isolated'... connotes a dwelling that is physically separate or remote from a settlement." My site visit confirmed that the appeal site is approximately 10 minutes' walk from the very edge of Lewdown, and approximately 15 minutes' walk from the convenience store. According to figures provided by the appellant, which have not been disputed by the Council, the approximate time on foot to other services and facilities in Lewdown is over 18 minutes. In my view, these times indicate that the appeal site is far enough away to be considered physically separate from that settlement, and hence is 'isolated' for the purposes of Policy TTV26 of the Local Plan.
9. Although the distance between the appeal site and Lewdown falls within that recognised in Manual for Streets as being suitable for accessing by other modes of transport than the private car, the local highway network in this case would be likely to deter the intended future occupiers from walking or cycling to it, particularly when taking account of the road being covered by the national speed limit and the likely speed of vehicles travelling along it, the lack of street lighting, narrow pavement, and lack of cycle facilities.
10. I acknowledge that there are bus services to nearby towns from the bus stop immediately adjacent to the site, albeit I have not been provided with details of how frequent the service is and whether it would be likely to serve the needs of the intended future occupiers in travelling to places of employment, shopping and leisure.
11. Accordingly, in light of the above, and bearing in mind that opportunities to maximise sustainable transport solutions vary between urban and rural areas, there would be a high probability that the intended future occupiers of the new

dwelling would drive to the village rather than walk or cycle. Once in their vehicles it would be likely that the occupiers would drive longer distances than that to Lewdown, to larger villages and towns where there is likely to be a wider range of services and facilities.

12. I acknowledge that the proposal would contribute to the Government's objective to significantly boost the supply of homes utilising a previously developed site. However, the development of this small site would make a limited contribution to the supply of housing in the area. It is recognised that the proposal would be likely to support local shops, services and schools. The proposal also would generate construction jobs and there would be benefits to the local authority in relation to Council tax and the New Homes Bonus. The Planning Practice Guidance however makes it clear that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body¹.
13. Although not before me at this outline stage, the appellant maintains that the proposal would be constructed to a high standard that would support the move to a low carbon economy. As these benefits would likely accrue in many housing developments, wherever their location, limited weight has been given to these matters.
14. My attention has been drawn to a number of examples of development by the appellant which he considers is similar to the proposal before me. Whilst there are some similarities in terms of the issues at play, appeal decision APP/Q1153/W/18/3194516 related to a site in a residential area, and accordingly it is likely that the site-specific circumstances, including the quality of the footway, are quite different to the footway in this appeal, which is exposed and adjacent to a main road. In terms of application reference 3792/17/OPA the site appears well-connected to the hamlet, which is not the case here. The site in respect of appeal reference APP/Q1153/W/16/3145211 is not comparable to the appeal site before me, as this site was immediately adjacent to an existing periphery of continuous roadside development. Moreover, appeal reference APP/Q1153/W/18/3194516 is also not comparable as the appeal site is not situated at the end of a close of residential properties, nor located in a cluster of development. These examples do not provide justification for the appeal proposal which has been considered on its own merits.
15. In light of the foregoing I find that the appeal site is isolated from services and facilities and as a result the intended future occupiers would have a high dependency on a private vehicle to access day-to-day services. For those without access to a private vehicle the services and facilities would not be readily accessible. The proposal does not fall within any of the exceptional circumstances set out in Local Plan Policy TTV26 to justify new homes in this countryside location.
16. Accordingly, I conclude that the appeal site is not in a suitable location for new housing. The proposal conflicts with Local Plan Policies SPT1, SPT2, TTV1, TTV2 and TTV26 which seek, amongst other matters, to deliver sustainable development, which is well served by public transport, walking and cycling opportunities. The matters advanced in support of the proposal do not, either individually or cumulatively, outweigh the identified harm.

¹ Paragraph: 011 Reference ID: 21b-011-20140612

17. The Council has referred to Local Plan Policy DEV8 in its decision notice but has not provided evidence to substantiate its concern that the proposal would not meet a local housing need. The new dwellings would be likely to broaden the choice for existing and future residents and accordingly, on the evidence before me, I find no conflict with this policy.

Surface water run-off & foul drainage

18. The detailed design of the scheme is not before me at this stage and as such it is unlikely that the drainage strategy for the site has been considered in any detail. Whilst it is necessary to ensure that the proposal is suitably drained, I consider that a suitably worded planning condition could achieve this. I have no substantive evidence before me to demonstrate that the site could not be suitably drained, and subject to details being provided as part of a further application, I find no conflict with the aims of Policy DEV35 of the Local Plan, which seeks to manage flood risk and water quality impacts. It is noteworthy that the Council has suggested a condition which would control these matters in the event that the appeal was allowed.

Trees of identified public amenity value

19. One of the Council's reasons for refusal related to the potential for harm to result to significant trees of identified public amenity value. The new access would not affect any of the trees upon the site and I am satisfied that the number of dwellings proposed could be located and constructed on the site without causing harm to the protected trees. A suitably worded planning condition could be imposed to ensure that suitable tree protection was installed in the event that the appeal was allowed. There would be no conflict with Policy DEV28 of the Local Plan, which aims to avoid the loss or deterioration of trees.

Conclusion and Recommendation

20. Whilst the proposal is acceptable in relation to surface water run-off and foul drainage, and in relation to trees of identified public amenity value, this does not overcome my concerns on the first main issue, regarding the suitability of the location for new housing. Therefore, based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR