



Appeal Decision

Site visit made on 7 January 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/Q1153/W/19/3237103

Eversfield Manor, Bratton Clovelly, Devon EX20 4JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Professor Bernard McNelis against the decision of West Devon Borough Council.
 - The application Ref 3974/18/PIP, dated 29 November 2018, was refused by notice dated 14 March 2019.
 - The development proposed is 2 new dwellings (3 bedroom).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The scope of 'permission in principle' is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. The application form indicates that the proposal is for a minimum of 1 dwelling and a maximum of 2 dwellings.
3. Since the application was determined, the Council has adopted the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan). The reason for refusal references the policies of the then emerging Local Plan as they were at that time and the appellant has been able to make an assessment of the scheme against the now adopted policies in the appeal statement. Therefore, I am satisfied that no party has been prejudiced by the consideration of the appeal proposal against the policies of the now adopted Local Plan.

Main Issue

4. The main issue is whether the location and land use are acceptable in relation to development plan policies regarding access to services and facilities, and the historic landscape context of the area.

Reasons

5. Policy TTV1 of the Local Plan sets out the strategy for prioritising growth through a hierarchy of sustainable settlements. Bratton Clovelly is named as a Sustainable Village where development to meet locally identified needs and to sustain limited services and amenities will be supported. The supporting text to this policy explains that the Local Plan does not define settlement boundaries

and that development outside the built up areas will be considered in the context of Policy TTV26 of the Local Plan, concerning development in the countryside. Policy TTV26 seeks, amongst other requirements, to protect the special characteristics and role of the countryside and avoid isolated development.

6. The spatial strategy is complemented by Policy SPT1 of the Local Plan which explains that the Local Plan will support growth and change that delivers a more sustainable future for Plymouth and South West Devon. Additionally, Policy SPT2 requires that development should support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other requirements, have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services and community facilities. Furthermore, Policy DEV29 of the Local Plan concerns transport and that new homes should, where appropriate, be located in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.
7. The site forms part of the wider grounds to Eversfield Manor and consists of part of a reasonably open grassland area set behind an established hedge from the adjoining road. There is a belt of woodland broadly to the west and open land separates the site from the elevated position of the Manor. There is a reasonably loose scattering of dwellings and other buildings in the vicinity. While the village entrance sign lies further to the east, and the site lies opposite another dwelling, overall the surroundings have a rural and verdant character where built development, while present, does not dominate.
8. The site, and the scattering of dwellings in the vicinity, are detached from the compact form of the village by open land and given the distance and nature of the separation, the appeal site does not fall within the settlement area of Bratton Clovelly. Furthermore, the adjoining area, with the position and number of the dwellings and other buildings along and back from the road, and the predominance of trees and undeveloped land, does not have the character and form of a hamlet. I am satisfied that the site, therefore, should be considered as countryside for planning purposes.
9. The site would not be isolated within the meaning of paragraph 79 of the National Planning Policy Framework (the Framework), or conflict with the related section concerning isolated development in Policy TTV26 of the Local Plan. Nevertheless, the site is still separated from the village by a reasonable distance. The connecting road is steep in places, has no street lighting or footway and I consider it would be an uninviting walk or cycle ride for many occupiers. While I have noted the availability of local transport options, designated cycle routes and the bus service from the village, the site is located such that, in all likelihood, the private vehicle would be used by many residents to access services and facilities. In this way, this countryside location would not meet with the approach to the location of new housing as set out in the spatial strategy of the Local Plan, even taking into account that the Framework acknowledges that it is necessary to take into account that sustainable transport solutions will vary between urban and rural areas.
10. As the proposed housing in this appeal would be sited away from the village, it would not be located where it would enhance or maintain the vitality of the rural community as required by the Framework or the approach set out in the

Planning Practice Guidance in relation to supporting sustainable rural communities. Accordingly, the proposal would not meet with the Local Plan approach to provide for a modest level of development at Bratton Clovelly itself as a Sustainable Village or meet with the requirements of Policy TTV2 of the Local Plan which advises that the location of housing will be supported where it will enhance or maintain the vitality of rural communities.

11. The reason for refusal also references that the development would have a harmful impact on the historic landscape context. The Planning Report makes a reasonably brief reference to the relationship of the site to the Manor, a listed building further up the road and the general historical pattern of development in the vicinity. The application seeks to establish the principle of the development and the detailed design, landscaping and layout would be provided at the technical details consent stage. The provision of a dwelling or 2 dwellings would involve built development and the related residential impacts on the site. This would change the character of the land. However, as there is a scattering of dwellings in the vicinity, at this permission in principle stage, I have little evidence to demonstrate that this would cause harm to the character of the area such as to warrant refusal on this ground. However, this does not mean that the location of the residential development is acceptable as a matter of principle.
12. In summary, it may be possible to demonstrate at the technical details consent stage that the provision of residential development in respect of the land use of the site may not be harmful in terms of the character of the area. However, for the reasons explained above, I conclude that the location would not accord with the development plan in terms of the spatial strategy for residential development, in particular in relation to access to services and facilities. Accordingly, the proposal would conflict with Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV29 of the Local Plan which seek, amongst other things, to locate housing where it will enhance or maintain the vitality of village communities.

Other Matters

13. It has been explained that one dwelling is for the appellant's father in law who is in need of help and assistance and a second dwelling would be for a rural worker to assist with the running of the estate. However, while I have noted this information, I have limited details of the background and need in this respect and therefore I afford this matter limited weight. The dwellings are sited away from the main house and, in all likelihood, given the extent of the red lined application site area, the development would be accessed off the public road and could operate independently. At this permission in principle stage it is not possible to control occupation and therefore, while acknowledging the proposed occupiers, I have considered the appeal on the basis that up to 2 open market dwellings are proposed.
14. On the basis of the above, the provision of up to 2 family sized dwellings would make a small but worthwhile windfall contribution to housing supply and there would be social and economic benefits to the wider area by their construction and subsequent occupation. The appellant highlights the benefits that would accrue to the Council from New Homes Bonus and that the development would be of an appropriate and high quality design, respond positively to the surroundings, and be an efficient use of resources and land. However, as only up to 2 dwellings are proposed, and in a Local Plan area that is able to

demonstrate a 5 year supply of housing land, I attribute the cumulative benefits of the scheme limited weight. These benefits would not outweigh the harm I have found in respect of the conflict with the development plan and the Framework in relation to the location of the proposal.

15. I have noted all the points raised in the representations from local residents and the Parish Council, both for and against the proposal, and have taken these matters into account in reaching my decision.

Conclusion

16. The scheme would not accord with the development plan when considered as a whole and with the Framework. There are no material considerations that outweigh this identified harm and associated development plan conflict. Accordingly, taking all other matters into account, I conclude the appeal should be dismissed.

David Wyborn

INSPECTOR