

Appeal Decision

Site visit made on 27 January 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/W1145/W/19/3238518

Land off Station Road, Halwill, Devon

- 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 Summerstown Developments Limited against the decision of Torridge District Council.
 - The application Ref 1/0487/2018/OUTM, dated 10 May 2018, was refused by notice dated 5 April 2019.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was made in outline form with all matters reserved for future consideration. As such, I have treated all aspects of the submitted plan reference 0061-04 Rev A relating to the potential access and layout of the development as purely indicative.
3. I have used the site address from the Council's decision notice within the banner heading above as this is more accurate.
4. A request was made for me to view the appeal site from a neighbouring property which I did as part of the site visit.

Main Issues

5. The main issues are:
 - whether the development accords with the provisions of the relevant planning policies in respect of locating new housing and its effect on the character and appearance of the area; and
 - whether the proposal would make adequate contributions towards affordable housing and public open space.

Reasons

Location of development and effect on character

6. The appeal site comprises part of a gently sloping field adjoining the junction of the A3079/Station Road and a rural road which is also a designated public bridleway. The northern and eastern boundaries are formed from hedgerows with trees which largely screen views into the site. The southern and western extents of the appeal site are not defined by any physical boundaries. The site

appears to have been most recently used for pastoral purposes and has a marshy quality.

7. In a wider context, the appeal site lies a short distance from the more densely populated area of Halwill Junction. The nucleated settlement has a village hall, playschool, school, post office and sports field, all of which are surrounded by a number of residential streets and estates. The village is defined as a Local Centre with a settlement boundary under Policy ST07 of the North Devon and Torridge Local Plan¹ (NDTLP) and accompanying Policy Map 16. The appeal site lies some approximate 320 metres outside of the settlement boundary and is therefore considered to be in the open countryside in policy terms.
8. Policy ST07 sets out that in the countryside, 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. The proposal to construct a residential development does not appear to accord with any of the specific criteria for development in the countryside under the Policy.
9. Policy HAL of the NDTLP states that new development in Halwill Junction should be of a scale that addresses local needs, preferably located to the north and/or east of the A3079 and should retain the existing character of the area. The appeal proposal does not accord with the locational requirements Policy HAL, being located to the west of the A3079 and to the far south of the village.
10. In terms of the character and appearance of the area, it is more sparsely settled than when compared to the existing development within the defined settlement boundary. The appeal site forms a large and obvious gap in between sporadically sited dwellings. There are a modest number of other dwellings beyond the appeal site which stand either detached or in pairs and face onto Station Road, giving the settlement edge a linear, tapered quality.
11. The appellant's Landscape and Visual Impact Appraisal (LVIA) indicates that the adjacency with existing residential and commercial properties and the retention of the tall hedgerow along the A3079 would help to mitigate the potential effects of the proposal. The LVIA conclusions also suggest that the proposal would have a negligible and not significant impact on the local landscape, which falls within The Culm National Character Area² and High Torridge Culm Plateau Devon Character Area³ at national and county level.
12. Whilst the appeal proposal is made in outline form, the location and configuration of the site indicate that a future proposal would take some form of cluster or cul-de-sac. This is also suggested by the indicative layout plans, which show a layout of 10 dwellings around an estate road with a turning head. The introduction of such would substantially differ from the linear form of existing development to the south of Halwill Junction and would detract from the openness of the gap provided by the appeal site in its current form. The proposal would therefore harmfully urbanise the site and would appear incongruous in relation to the pattern of surrounding built development.
13. The retention of the roadside hedgerow would filter views of the proposal and maintain a feature that is typical of the landscape character areas. However, this mitigation measure would not be sufficient to obscure the degree of

¹ North Devon and Torridge Local Plan 2011 – 2031 (adopted October 2018)

² Natural England National Character Area profile: 149 The Culm (NE389)

³ Devon Landscape Character Areas (2011)

localised urbanisation that a scheme would introduce into this tapered semi-rural end of the village.

14. For the reasons above, the proposal would not accord with the provisions of NDTLP Policies ST07 and HAL in respect of the location of new housing and would have a harmful effect on the character and appearance of the area. The proposal would therefore also be contrary to, in particular, NDTLP Policies ST04, DM04 and DM08A. When read together, these policies seek to promote design that responds to the characteristics of a site, its wider context and the surrounding area and that recognises and respects landscape character of both designated and undesignated landscapes.

Affordable housing and public open space contributions

15. Policy ST18 of the NDTLP sets out that developments will be required to provide affordable housing dependant on the scale of the development proposed. As the proposal is in outline form but clearly has the capacity to exceed the relevant threshold of 6 to 10 dwellings within a designated rural area, a provision should be made for the requisite provision of affordable housing to be delivered at the appropriate juncture.
16. Whilst I am aware that draft heads of terms were submitted with the appeal application, no unilateral undertaking or legal agreement made under Section 106 of the Town and Planning Act 1990 has been submitted with the appeal. As a result, the proposal fails to make an adequate provision for affordable housing, contrary to NDTLP Policy ST18.
17. Policy ST23 of the NDTLP requires that developments contribute towards the timely provision of physical, social and green infrastructure which it makes necessary, either individually or cumulatively. Whilst the Council has referred to the absence of public open space, there is limited evidence to indicate what level of provision would be expected from a residential scheme on the appeal site. Similarly, the appellant's draft heads of terms include an acceptance to pay education and highway contributions, but there is little evidence to suggest that they would be required. In any event, as I am dismissing the appeal for other reasons, these matters do not need to be considered further.

Planning balance and conclusion

18. The proposal would result in the provision of a number of dwellings which would add to the local housing stock. This would generate social and economic benefits for the wider area which I afford modest weight in the overall balance.
19. However, the proposal would be located outside of an area that is considered suitable for new residential development with consequent harm to the character and appearance of the area. It would also fail to deliver affordable housing. In these respects, the proposal would conflict with the policies of the Development Plan considered as a whole and there are no other material considerations to indicate that a decision should be taken other than in accordance therewith.
20. For these reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR