The Planning Inspectorate

# Appeal Decision

Site visit made on 13 May 2020

**by Tobias Gethin BA (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 May 2020**

**Appeal Ref: APP/U1105/W/19/3244064**
**The Old Stables, 1 Hardy's Court, Hawkerland Road, Colaton Raleigh, Devon EX10 0HL**

- 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 Mark Thomas against the decision of East Devon District Council.
- The application Ref 19/0821/FUL, dated 24 May 2019, was refused by notice dated 30 August 2019.
- The development proposed is for demolition of the Old Stables, erection of a new bungalow including new vehicular access from Hardy's Court.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposed development would be in an appropriate location, having regard to access to services and facilities and development in the countryside.

## Reasons

3. The appeal site is located within Colaton Raleigh, which contains some services and facilities, including a shop, public house, village hall and church. Buses can be caught to towns in the surrounding area from the bus stop shelter near the junction of the B3178 and Church Road. Those roads and the highway running past the site, Hawkerland Road, are relatively narrow in places and contain limited and infrequent footways.

4. Given the distance, occupiers of the proposed development could in theory walk or cycle to the services, facilities and bus stops in Colaton Raleigh. However, going to the shop and bus stop on foot or by bicycle would involve negotiating reasonably long and sometimes narrow stretches of highway with no separation from vehicular traffic. With the public house, village hall and church further away, walking or cycling to them would involve a longer journey and also require crossing the B3178, which I observed on my site visit is a relatively busy through-route with traffic passing in both directions.

5. Accordingly, although the occupiers of the development may well enjoy living in Colaton Raleigh, it seems to me that walking or cycling to and from the site would be neither particularly appealing nor safe. This is likely to discourage walking and cycling to local services and facilities and also limit occupiers' use of the bus service. Accordingly, the site's situation is not conducive to accessing the development except predominantly by private car.

6. I accept that this may be the case for rural areas in general and that the National Planning Policy Framework (Framework) recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, occupiers of the development would be highly reliant on one mode of transport – the private car – for many of their journeys and to serve their daily needs. In coming to this view, I have taken account of the fact that the access road has been designed to Devon County highway standards, the speed limit within Colaton Raleigh is 30 miles per hour and the bus service provides links to schools and larger towns in the wider area.

7. The site is within Colaton Raleigh and is situated close to the bungalows and converted barns at Hardy's Court and other properties in the surrounding area. However, Strategy 7 of the East Devon Local Plan 2013 to 2031 (EDLP) defines the countryside as all parts of the plan area that are outside of its Built-Up Area Boundaries (BUAB) and site-specific allocations. The EDLP does not identify Colaton Raleigh as a settlement with a BUAB and the available evidence indicates that the site is also not within a site-specific allocation.

8. The development plan therefore defines the site as being within the countryside. Accordingly, EDLP Strategy 7 is relevant to the acceptability of the development. Amongst other aspects, it restricts development in the countryside to that which is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive qualities within which it is located.

9. The main parties agree that the development – including in relation to its size, siting, layout and design – would not harm the character and appearance of the surrounding area and the Area of Outstanding Natural Beauty. Having considered the development and visited the site, I concur and find that it would not harm the distinctive qualities of the locality. However, the available evidence indicates that the development would not be in accordance with a specific Local or Neighbourhood Plan Policy that explicitly permits it.

10. For the above reasons, I conclude that the proposed development would not be in an appropriate location, having particular regard to accessibility and development in the countryside. I therefore find that it conflicts with EDLP Strategies 5B and 7 and Policy TC2. Amongst other aspects, these: restrict development in the countryside to certain circumstances; and require development to be located where it will minimise the need to travel by car, be accessible by pedestrians, cyclists and public transport, and encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment. The proposal would also be inconsistent with the provisions in the Framework in relation to promoting sustainable transport.

**Other matters**

11. The Council has indicated that parking and vehicular access to the highway would be acceptable, that the development would not harm the living conditions of adjoining occupiers nor the character and appearance of the surrounding area, and that ecological mitigation and enhancement could be provided at the site. Be that as it may, these matters do not provide justification for development that conflicts with the development plan.

12. Creating a new dwelling, the proposed development would provide construction-related work and the occupiers of the development would support

the local services and facilities in Colaton Raleigh. However, the benefits of the development would be relatively limited given its scale. The harm I have identified above is therefore not outweighed by these considerations and is sufficient for me to find against the proposal.

13. The proximity of the site to European designated nature conservation sites means that the development would, in combination with other plans and projects, be likely to have a significant effect on the internationally important interest features of these areas. Mitigation is therefore required to make it acceptable and avoid an adverse effect on the integrity of the designated sites, and a Unilateral Undertaking has been submitted in relation to this. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

**Conclusion**

14. For the above reasons, the appeal is dismissed.

*Tobias Gethin*

INSPECTOR