
Appeal Decision

Site visit made on 27 May 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2020

Appeal Ref: APP/Y1138/W/20/3246114

**Land associated with Craddock Lodge, Land at NGR 308470 112426
(Craddock Lodge) Craddock, Devon.**

- 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 and Mrs Marchmont against the decision of Mid Devon District Council.
 - The application Ref 19/00794/FULL, dated 2 May 2019, was refused by notice dated 29 November 2019.
 - The development proposed is the erection of a dwelling and double garage, formation of vehicular access and associated renewable energy systems and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the revised agreed description of development and grid references used in the decision notice and appeal form.

Main Issues

3. The main issues are:
 - Whether the site is in a suitable location for housing with adequate access to facilities and services having regard to local and national planning policies, and;
 - The effect of the proposal on the character and appearance of the area having particular regard to the significance of the Craddock Conservation Area and Craddock Lodge, a Grade II listed building.

Reasons

Location of the site and accessibility

4. Craddock is a small settlement comprising mostly of dwellings and is located approximately a mile from the village of Uffculme, which is where the nearest local facilities are located, including schools, local shops, community meeting places and post office.
5. The Mid Devon Local Development Framework, Core Strategy 2026, July 2007 (CS) sets out a district wide spatial strategy that seeks to direct residential development to the most sustainable locations based on a settlement hierarchy in order to focus residential development in market towns with a good range of

local facilities and access to public transport. This in turn enhances their self-sufficiency and reduces the need to travel by car. As part of the overall strategy, policy COR17 of the CS uses a settlement boundary to identify some villages suitable for limited minor proposals. Policy COR18 of the CS indicates that areas that lie outside of those boundaries are considered to be countryside for the purposes of the development plan whereby residential development is limited to the specified exceptions in policy COR18a.

6. The location of the appeal site is outside of, and some distance from, a designated settlement boundary. Neither is it part of the appellants' case that the proposal would fall within any of the exceptions set out in policy COR18a. As such, it would conflict with the residential development strategy in the CS.
7. However, the spatial strategy in the CS was adopted some time ago. Paragraph 213 of the National Planning Policy Framework (the Framework) indicates that such policies should not be considered out of date simply because they were adopted prior to the Framework, rather due weight should be given to them, according to their degree of consistency with the Framework.
8. In relation to housing in rural areas, paragraph 78 of the Framework stipulates that housing should be located where it will enhance or maintain the vitality of rural communities and that policies should identify opportunities for villages to grow and thrive, especially where this will support local services. It acknowledges that where there are groups of smaller settlements, development in one village may, in some cases, support services in a village nearby. Paragraph 79 states that isolated homes in the countryside should be avoided unless it falls into one of the five exceptions set out.
9. Although the Framework does not rule out the use of settlement boundaries, the settlement hierarchy approach in the CS takes a more restrictive approach to rural housing than is expressly required by the Framework. For example, the definition of countryside in the CS is wider than the reference to avoiding isolated homes in the countryside in paragraph 79. There is no dispute between the parties¹ that this lack of consistency reduces the weight of the relevant housing policies in the CS.
10. Given the proximity of the proposal to other dwellings and having regard to the relevant case law², I accept that the development would not result in an isolated home in the countryside and therefore, it would not conflict with paragraph 79 of the Framework.
11. However, the proposal is for a large detached house which would be likely to have future occupants with a range of travel requirements. The settlement of Craddock does not provide notable facilities for day to day living and the evidence indicates that it is not on any public transport route. The walking environment to the nearest local facilities in Uffculme would not be particularly suitable for routine use by pedestrians given that it would be along narrow country lanes with limited footpath provision. Moreover, it is generally unlit and with little surveillance. These would combine to make pedestrians feel vulnerable when sharing the carriageway with vehicular traffic.
12. Similarly, cyclists would need to be confident road users in these conditions. Such factors are likely to deter some pedestrians and cyclists from using the

¹ Section 1, Council Committee Report reference 19/00794/FULL

² Paragraph 6.18 Appellant's Appeal Statement

route frequently, and especially so in inclement weather or dark conditions. Therefore, future occupants of the dwelling would be likely to rely on the private car as their principal means of travel.

13. Reference is made to paragraph 103 of the Framework which, with reference to significant development, indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The scheme before me is not of a scale whereby it could be considered significant development and therefore, this general advice is of limited relevance to the proposal.
14. My attention is drawn to policy S13 of the emerging Local Plan Review 2013-2033³ which identifies Uffculme as a village suitable for small scale housing development. As the policy is not adopted, it is of limited weight. Nevertheless, the policy indicates that development will be limited to defined settlement limits and the information provided does not suggest that this would extend so far as to include Craddock.
15. Therefore overall, I find that the development represents a more dispersed approach than is set out in the CS which seeks to focus rural growth within identified settlements in order to best support local services and reduce reliance upon the car. It is not shown that, given its modest scale that the development would enhance or maintain the vitality of rural communities to any notable degree, and future occupants are likely to be heavily reliant on the private car in order to access facilities. Accordingly, the proposal would be contrary to policies COR1 and COR18 of the CS which form part of the district wide spatial policy for residential development. However, given the inconsistency with national policy this attracts limited weight in the overall planning balance.

Character and appearance and designated heritage assets

16. The appeal site is adjacent to the Craddock Conservation Area (CA). The CA covers a large part of the small settlement. Its significance lies in part in the way the grouping of vernacular buildings and spaces between them, set within an attractive pastoral landscape, reflect the evolution of the settlement over time. The informal, rural appearance of the settlement appears closely connected with the agricultural and natural surroundings.
17. Craddock Lodge, a Grade II listed building, lies to the south east of the appeal site. It is a large detached house directly adjoining the road dating from the mid-17th Century and much altered and enlarged in the 19th Century. Its significance principally derives from its form and aesthetic appearance that are likely to have reflected the changing social status of the occupants over a considerable period. The information provided suggests that Nettlebed, now a separate detached dwelling adjoining the appeal site, once provided stables or a carriage-house for Craddock Lodge but that any functional relationship was severed a considerable time ago and prior to the listing of Craddock Lodge⁴. I have a statutory duty⁵ to give special attention to the desirability of protecting the setting of listed buildings.
18. The appeal site comprises part of a gently sloping pastoral field which has a Devon bank hedgerow along its boundary with the road. It has a natural, open

³ Appendix 5, Appellants' Appeal Statement

⁴ Appellants' Final Comments, Bell Cornwell letter dated 20.5.20

⁵ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

and green character that is free from built form which allows for some views towards the tree line and countryside to the south west. It is notable on the approach into Craddock from the north west and makes a positive contribution towards the rural setting of the settlement and the significance of the CA.

19. Furthermore, the pastoral character and natural appearance of the Devon bank signal the transition into countryside along the south side of the lane. This provides a distinct contrast with the definition derived from the stone walling and built form of Craddock Lodge and Nettlebed. As such, the appeal site forms part of the rural surroundings in which Craddock Lodge is experienced and therefore, forms part of, and enhances its setting.
20. The proposal would introduce a substantial detached dwelling and double garage, the form of which would comprise three main components across a large part of the site. In addition, the land would be graded to accommodate a lower ground floor level and a pond. Moreover, a significant area of hardstanding and driveway would be provided to the front of the dwelling near to the road. The buildings and hardstanding would be visible from the road as illustrated in the visualisation⁶ provided. Consequently, the configuration and scale of built form would significantly erode the natural spacious character of the site and the changes to the land level would exacerbate the incursion into the otherwise gentle landform currently present.
21. Additionally, part of the Devon bank would be removed to provide a new vehicular entrance and its alignment changed to provide sufficient visibility for the access. This would adversely affect a prominent rural feature of the site, which additional planting would not fully address. Moreover, notwithstanding that conditions might be employed to agree a planting scheme, over time, the boundary providing the frontage to a domestic property is likely to have a more cultivated domestic appearance that would diminish the natural qualities of the existing Devon bank.
22. Taking these factors together, the proposal would have an adverse impact on the rural character and appearance of the area, which would affect the surroundings in which the CA and Craddock Lodge are experienced. Accordingly, the development would be harmful to the setting of Craddock Lodge as well as the setting of the CA and on that basis, would harm their significance. However, considering the relatively minor scale of the development overall, the harm to the significance of the respective designated heritage assets would be less than substantial.
23. Paragraph 196 of the Framework indicates that in such circumstances the harm should be weighed against the public benefits of the proposal. The benefits primarily relate to the provision of an additional house to the overall supply. In addition, there would be the economic benefits associated with both the construction of the development, and the future activity and spending of the occupants. Furthermore, the development incorporates some green credentials that would provide environmental benefit. Although reference is made to a lack of harm to highway safety and the living conditions of nearby residents, an absence of harm in these respects does not amount to a positive public benefit.
24. Paragraph 193 of the Framework indicates that great weight should be given to protecting the significance of designated heritage assets. Therefore, the

⁶ Appendix 1, Appellants' Appeal Statement

modest benefits arising from the provision of an additional house would be insufficient to outweigh the harm to the settings of the listed building and CA.

25. In support of the proposal the appellants suggest that the development would be in keeping with the pattern of development within Craddock and would comprise infill development between Nettlebed and Tanglewood. However, at present the appeal site forms part of a notable gap between those modest dwellings, with Tanglewood having the appearance of a sporadic development between fields rather than establishing a pattern of development. In this context, to my mind Nettlebed denotes the periphery of the settlement on the southern side of the road.
26. The appellants consider the proposal to be an agricultural styled dwelling. Be that as it may, there is limited evidence to explain how the siting, scale and form of the development are derived from local traditional agricultural buildings and particularly, how these would relate to a higher status historical building such as Craddock Lodge. Although I am referred to paragraph 131 of the Framework which indicates that great weight should be given to outstanding or innovative designs that fit in with the overall form and layout of their surroundings, for the reasons already outlined, I am not satisfied that the proposal would constitute this.
27. Accordingly, I find that the proposal would be harmful to the character and appearance of the area and would adversely affect the settings, and therefore the significance of, designated heritage assets. On that basis, it would be contrary to policy COR2 of the CS, and policies DM2, DM14 and DM27 of the Local Plan, Part 3 Development Management Policies, October 2013 (LP) which, amongst other matters, seek high quality design that takes account of the context including the setting of heritage assets.

Other matters

28. The appellants raise concerns regarding how the Council determined the planning application, they consider they failed to outline their concerns regarding heritage assets at an earlier stage. However, this is a matter which falls outside of the scope of this decision, which I have determined based on its planning merits.

Planning Balance and Conclusion

29. As already outlined, there is no dispute between the parties that the spatial strategy for residential development in the CS is out of date. This is the Council's view notwithstanding that they consider they can demonstrate a five year supply of housing land⁷. Paragraph 11(d) of the Framework states that the presumption in favour of sustainable development means that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or (ii) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (the tilted balance). This is similar to the presumption in favour of sustainable development set out in policy DM1 of the LP, which is cited in the refusal reason on the decision notice.

⁷ Section 1, Council Committee Report, reference 19/00794/FULL

30. The first step is to determine whether there are specific policies in the Framework that indicate that development should be restricted. Footnote 6 of paragraph 11(d)(i) gives examples of such policies which includes "designated heritage assets". For the reasons already stated above, I have found, having undertaken the relevant balance in paragraph 196 of the Framework, that there would be unacceptable harm to the significance of designated heritage assets. This provides a clear reason for refusing the appeal proposal. As such, the tilted balance in paragraph 11(d)(ii) would not apply in these circumstances.
31. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁸. There are benefits arising from the proposal including the provision of an additional dwelling to the housing supply which would incorporate some sustainable construction techniques. It would also bring economic benefit as a result of the construction, and the social and economic benefits associated with the occupants of an additional dwelling supporting local services. I also acknowledge that there would be personal benefits to the appellants in having a dwelling that may be better suited and adapted to their needs. In addition, I have had regard to the representations made in support of the development which reinforce these benefits.
32. However, in light of the relatively modest scale of the proposal, these benefits would be restricted in extent and therefore, attract limited weight. Accordingly, even when only limited weight is given to the rural housing policies of the CS, the benefits arising from the proposal do not provide sufficient justification for a development that conflicts with the development plan and national policy when taken as a whole.
33. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁸ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.