
Appeal Decision

Site visit made on 11 August 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/U1105/W/20/3249964

Tolcarne, Cooks Lane, Axminster EX13 5SQ

- 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 & Mrs C Mathews against the decision of East Devon District Council.
 - The application Ref 19/2093/OUT, dated 19 September 2019, was refused by notice dated 24 December 2019.
 - The development proposed is the erection of a dwelling (all matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of development to reflect that as stated at section E of the appeal form in the interests of accuracy and consistency.

Main Issue

3. Whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on motor vehicles.

Reasons

4. The appeal site forms part of the garden area at Tolcarne. Tolcarne is a well-proportioned bungalow, set within generous grounds and located on the southern side of Cooks Lane. The appeal property is situated amongst residential development which forms a ribbon of development along the southern side of Cooks Lane and which exhibit a variety of styles in terms of housing design. The appeal site is located at the periphery of Raymonds Hill, with the appeal site sloping gently downhill from south to north.
5. The evidence before me indicates that whilst the appeal site was previously included within the Built Up Area Boundary (the BUAB) of a settlement, in terms of the East Devon Local Plan 2013 – 2031 (the Local Plan) the site is not located within the BUAB.
6. Strategy 7 of the Local Plan provides that parts of the plan area outside the BUAB and site-specific allocations shown on the Proposals Map, are considered to be in the countryside. This policy seeks to restrict development outside of the BUAB unless it accords with a specific Local or Neighbourhood Plan policy

- which explicitly permits it and where there would be no harm caused to the amenity and environmental qualities of the distinctive landscape in which it is located.
7. The Council have put it to me that there are no current Local or Neighbourhood Plan policies that would permit housing in this location outside of the BUAB. However, the Appellants maintain that support for the appeal scheme, which is described within the submissions as being for a self-build development, would be provided within the emerging Neighbourhood Plan (the ENP) and, furthermore, that the appeal scheme would represent sustainable development in a location which has access to services and facilities.
 8. I have only been provided with very limited information with regards to the ENP. However, it is apparent from the evidence before me that the neighbourhood plan has not yet been adopted and as such there may be unresolved objections with regards the inclusion of certain policies. I have no information regarding the stage at which the ENP has reached in terms of its adoption, nor have I been provided with any draft copy of the ENP which demonstrates that the appeal proposal may accord with any specific policy. The ENP could be subject to amendments and, accordingly, I am able to attribute only very limited weight to the ENP in the determination of this appeal.
 9. My attention has not been drawn to any other Local or Neighbourhood policy that would support the appeal proposal. Consequently, the erection of the appeal dwelling, in a location which in planning terms is open countryside, is not supported by Strategy 7 of the Local Plan.
 10. Whilst it is acknowledged that there has been recent residential development close to the site within Cooks Lane, the evidence before me indicates that those developments were approved when the development plan provided support for such proposals at Raymonds Hill. Consequently, it cannot be said that the circumstances of this appeal are comparable to those developments which are referred to by the Appellants. I have therefore determined this appeal on its own merits.
 11. Policy TC2 of the Local Plan states that new development should be located so as to be accessible by pedestrians, cyclists and public transport with a view to minimising the need to travel by car. In this regard, Raymonds Hill does provide a limited number of services and facilities, and there is a bus stop and farm shop which are located close to the appeal site.
 12. However, it appears from observations made that the farm shop would not provide access to a wide range of food shopping that might be reasonably required on a daily basis. Furthermore, it is noted that the bus stop nearest to the appeal site only provides a very limited and infrequent service that would not provide reasonable access to the local centres for employment or education facilities.
 13. Access to a wider range of services, such as the post office or main bus routes which are located on the A35 main road, would be along narrow lanes which do not benefit from street lighting or dedicated pedestrian footways. It cannot be said that the access on foot or bicycle to the facilities and services it does contain would be accessible to all, and particularly in the winter and during adverse weather conditions.

14. Accordingly, in light of the above factors, I conclude that it is therefore likely that future occupiers of the proposed dwelling would be heavily reliant on private motor vehicles. Whilst dependence on private vehicles may be expected in a rural location such as this, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would cause environmental harm as a result of increased car journeys and hence carbon emissions.
15. Whilst I acknowledge the submissions of the Appellants with regards to the current popularity of online food shopping, the availability of such would be unlikely to provide sufficient mitigation for the poor level of accessibility to a wider range of services which are likely to be required on a day to day basis, such as access to schools and healthcare facilities and, in any event, there is no certainty that future residents would shop online in favour of shopping in-store.
16. I therefore conclude that the location of the development would not be sited so as to be accessible to local services by pedestrians, cyclists and public transport and, consequently, the development would be in conflict with Policy TC2 of the Local Plan.
17. Furthermore, the appeal scheme would also conflict with the National Planning Policy Framework (the Framework) requirement that the planning system should actively manage patterns of growth in support of, among other things, the promotion of opportunities for walking, cycling and public transport.
18. For the above reasons, I conclude that the appeal site is not an appropriate location for housing as it would not accord with the development plan policies which seek to ensure adequate access to local services and to minimise car use. The appeal scheme would be located outside the BUAB and there are no specific Local or Neighbourhood Plan policies which explicitly permits proposals for new dwellings at this location. Consequently, the development would conflict with Strategy 7 and Policy TC2 of the Local Plan and the Framework which seek, among other things, to locate development in accessible locations.
19. Whilst I note the references to paragraph 79 of the Framework, given the appeal site's location adjacent to residential development, the proposal would not be located far away from other places, people or buildings and, therefore, would not be considered to be isolated in terms of the Framework. Accordingly, the provisions of paragraph 79 of the Framework do not apply in this instance.
20. The Council's reason for refusal also refers to Policy D1 of the Local Plan. Policy D1 of the Local Plan concerns design and local distinctiveness, and, amongst other things, seeks to ensure that developments respect the key characteristics and special qualities of the area in which the development is proposed, and that they do not adversely affect trees worthy of retention. As the planning application is in outline with matters such as scale and layout reserved for a later date, no assessment of the proposal in light of this policy is required in this instance.

Other Matters

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

22. The appeal scheme would provide benefits in the form of an additional unit towards housing supply thereby supporting the intention to significantly boost the supply of housing nationally. It is also noted that it is the intention of the Appellants to provide an energy efficient dwelling, the details of which would form part of the reserved matters. Furthermore, the proposal would provide some economic benefits in the form of employment opportunities during the construction phase and would support the viability of businesses located within Raymonds Hill and the settlements which are located within the wider surrounding area.
23. However, given the scale of the proposal, I attach only limited weight to these considerations in the determination of this appeal. Furthermore, and as described above, the ENP appears to be at a very early stage in its preparation and adoption, and accordingly I attach only very limited weight to this consideration in the determination of this appeal.
24. Against these matters, the appeal proposal would conflict with the current development plan and the Framework when taken as a whole as identified above. The harm resulting from the conflict with the development plan weighs significantly against the proposal. Moreover, the proposed site would be detached from any meaningful services or facilities that may be reasonably required on a day to day basis and, therefore, future occupants are likely to be reliant on private motor vehicles for most trips. This would be in conflict with the environmental dimension of sustainable development. I conclude, therefore, that the significant identified harm would outweigh the limited benefits that the scheme would provide.

Conclusion

25. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict in relation to the suitability of the location of the appeal site. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR