



Appeal Decision

Site visit made on 16 September 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/X1165/W/20/3254387

Norwegian Wood, Hollacombe Lane, Paignton TQ3 2DT

- 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 J Nicholson against the decision of Torbay Council.
 - The application Ref P/2019/1177, dated 31 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is a detached house and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the suitability of the site for the dwelling having regard to local policy for the supply of housing;
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on highway safety.

Reasons

Suitability of the site

3. The site is part of the lawned grounds of the dwelling Norwegian Wood, which is set atop a valley slope at the east edge of the town of Paignton. Access is off the unadopted Hollacombe Lane, which bounds the site to the west and runs behind and to the east of the housing along Great Headland Crescent.
4. Policy C1 of the Torbay Local Plan (adopted 2015) (TLP) sets out the TLP's approach to the provision of housing within the parts of Torbay which fall within the open countryside. Amongst other things, it states that development outside the main urban areas will normally only be permitted within villages and hamlets. Outside of settlement boundaries, development may only be supported if one of several given circumstances are in evidence.
5. Within the context of the TLP, the extent of Paignton is defined by a settlement boundary, which at this point follows Hollacombe Lane, with the housing to the west inside the settlement. The site is therefore, for planning purposes, outside of the settlement and in the open countryside. There is no evidence that any of the given circumstances listed within Policy C1 would apply to this proposal.
6. The points have been made that the site could be considered as Previously Developed Land, reads spatially as part of Paignton and is not part of a 'Local

Green Space' as designated by the Paignton Neighbourhood Plan (made 2019) (PNP). However, the location of the site on the east side of Hollacombe Lane and its verdant appearance lead it to have a greater affinity with the countryside than the town in my opinion. These matters do not change the status of the site's location under the terms of Policy C1 in any event.

7. I have been directed to the nearby properties Monterey Pines and Moon Waters, which are also on the east side of Hollacombe Lane. They were granted planning permission in 2006 and 2008¹, before the adoption of the extant TLP, as was the 2012 permission for the development at the old gas works adjacent to the site². As these decisions were made some time ago now, and within the context of a different development plan, they have had little influence within my reasoning. The scheme at Goodrest amounts to the replacement of a dwelling and it follows is also of limited relevance³.
8. The appellants have further referred to sites which I understand are allocated as potential development sites or were effectively redesignated because of settlement boundary changes between the previous Local Plan and the TLP. On this basis, it seems to me that they would have been subject to the consultative plan making process and do not serve to justify the proposal.
9. I therefore conclude on this issue that the site would not be a suitable location for the dwelling having regard to local policy for the supply of housing. The proposal would conflict with the relevant aims of Policy C1 of the TLP.

Character and appearance

10. The hillslope surrounding Norwegian Wood is largely covered by dense scrub and trees. This greenery would well screen the scheme from public views from the A3022 to the east, at the point where one has perceptibly left Torquay and is entering Paignton. If glimpsed, the site would be read within the immediate context of Norwegian Wood, Monterey Pines and Moon Waters and also against the urban backdrop of Great Headland Crescent. The scheme would not therefore visually reduce the gap between Torquay and Paignton.
11. Hollacombe Lane has a fringe character, with relatively dense urbanisation to its west and the lower density housing interspersed with greenery to its east side. The proposed dwelling would sit on the east side of Hollacombe Lane in much the same way as the other houses here. Although the appeal site is quite close to adjacent trees, the dwelling would be an adequate distance so as not to prejudice them physically in my view.
12. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the landscape and design aims of Policies DE1 and C4 of the TLP and Policy PNP1(c) of the PNP.

Highway safety

13. Although Hollacombe Lane is unadopted and partly unmade, it provides access to the housing on its east side and there are also several rear parking areas on its west side, serving the housing along Great Headland Crescent. This indicates that the lane is well used by pedestrians and vehicles alike, and the

¹ Refs P/2005/1747 and P/2007/1914

² Ref P/2008/0114

³ Refs P/2015/0739 and P/2016/0959

absence of any evidence of incidents between road users suggests that this has been happening safely.

14. An additional dwelling using the lane would lead to a negligible increase in vehicular traffic within this context. The proposal would therefore have an acceptable effect on highway safety, according with Policy TA1 of the TLP.

Other Matters

15. The Council is concerned that the scheme would prejudice the implementation of the housing at the former gas works. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter in detail. However, as I am dismissing the appeal for other reasons, I have not taken it further.

Planning Balance

16. Planning law requires proposals to be determined against the development plan unless material considerations indicate otherwise⁴. Whilst the appellants have referred to a housing shortage in Torbay, there is no substantive evidence before me that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. On this basis, the presumption in favour of sustainable development set out within Paragraph 11 d) of the National Planning Policy Framework (the Framework) does not apply to the proposal.
17. I have found that the scheme would conflict with development plan policy for the location of housing and would thereby undermine the Council's plan-led approach, contrary to Paragraph 15 of the Framework. This is a significant matter which outweighs the modest social and environmental benefits that would be generated by the scheme through the provision of a single dwelling to the local housing supply and any associated biodiversity and landscape enhancements. The absence of harm in terms of highway safety and the character and appearance of the area are neutral factors in the balance.
18. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

19. For the reasons set out above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004