



Appeal Decision

Site visit made on 8 September 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/W1145/W/20/3249942

Land on the east side of Galway, Stibb Cross, Devon EX38 8LH

- 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 Graham Yeo against the decision of Torridge District Council.
 - The application Ref 1/0770/2019/OUTM, dated 15 August 2019, was refused by notice dated 9 October 2019.
 - The development proposed is up to 10 new dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal relates to an application for outline planning permission. All matters are reserved except for access. Plans have been submitted which, with the exception of those parts depicting access, I have treated as illustrative.

Main Issues

3. The main issues are (i) the effect on highway safety; and (ii) whether the site is an appropriate location for the development, with regard to local and national planning policies.

Reasons

Highway Safety

4. Stibb Cross is located at a junction of the A388 and B3227 around a cross roads outside the Union Inn (the cross roads). There is a high volume of traffic on the A388, including large vehicles. Leading away from the cross roads towards the site the A388 has no footway. In a narrow section, closest to the cross roads, there are limited refuges for pedestrians and limited forward visibility. Given the proximity to the junction, pedestrians would be particularly vulnerable here.
5. There are few facilities in Stibb Cross, so residents would have limited reliance on walking as a means of accessing them. New bus stops, including for schools, could be provided at the site along with a footpath to the Union Inn. These factors would reduce the need for pedestrians to walk on the narrowest section of the A388.
6. However, there is no substantive evidence that residents would not wish to leave their houses on foot for other reasons such as social visits to other parts

- of the village or recreation, including for dog walking and the like. Although many people may choose to sacrifice connectivity in favour of a rural lifestyle, residents of the site would not be able to leave their houses safely on foot other than for accessing the public house or new bus stops.
7. The connectivity to the rest of the settlement would be similar to that for existing properties close to the site, accessed from this part of the A388. However these are only a small number of homes and the proposal would see a significant relative increase in people reliant on using the narrow section of the A388 to access the rest of the settlement on foot.
 8. Footway provision throughout Stibb Cross is limited, especially along the B3227 where there are a large number of houses. However, there are more informal refuge opportunities on this road and forward visibility is generally better than the narrow part of the A388. I understand that 3 dwellings have been permitted to the west of the Union Inn, but access to these would involve walking on a different stretch of the A388 and so are not directly comparable.
 9. Therefore, I find that harm to highway safety would result. The provision of an adequate vehicular access and extension of the 30 mph speed limit would not mitigate the harm. Any new bus stops and footway would be available to those residents on the opposite side of the A388 which have rear accesses onto the road, but in the absence of substantive evidence as to the frequency that these accesses are used, I give this benefit limited weight. They would not off-set the harm that I have identified.
 10. For the above reasons, the development is contrary to those aims of Policies DM04 and DM05 of the North Devon and Torridge Local Plan 2011-2031 (LP) that seek to ensure that development provides a layout that sufficiently considers the needs and accessibility of all highway users, incorporating safe and well-integrated pedestrian facilities. It would also conflict with Paragraph 108 of the National Planning Policy Framework (the Framework) which requires safe and suitable access to the site for all users. As the harm that I have identified is principally to pedestrians who would be highly vulnerable road users, I give this very substantial weight.

Location

11. LP Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 sets out a spatial development strategy for Northern Devon's rural area. At a number of villages, including Stibb Cross, the policy sets out that development will be enabled to meet local needs and growth aspirations. The site lies at the edge of Stibb Cross, and under Policy ST07, it is identified as countryside, where general housing is not permitted.
12. Nevertheless, as the Council has confirmed that it can demonstrate only a 4.23 year supply of deliverable housing land, an approach to delivering additional residential development outside defined settlement limits, enshrined in LP Policy ST21, should be applied.
13. The LP allocates some land at Stibb Cross. Although that included brownfield land, it indicates that the location is appropriate for some further development. The resulting development would exceed proposed housing numbers at Stibb Cross, but it could help to support local facilities at Stibb Cross and nearby settlements, in accordance with the policies for rural housing in the Framework.

The amount of housing would not be so great as to prejudice the overall spatial vision and strategy for Northern Devon.

14. However, while any landscape and visual impacts, and associated conflict with those aims of LP Policies DM04 and DM08A relating to landscape character, may be very limited, my findings in respect of highway safety indicate that the proposal is not acceptable in all other respects, as required by Policy ST21. The proposal, therefore, conflicts with Policy ST21, and the development plan read as a whole.

Other matters

15. The proposal would make a contribution to the delivery of housing, with the stated intention of including affordable housing. It may well be that the allocated site at Stibb Cross is likely to deliver fewer homes than the LP intends and there are no other realistic sites in Stibb Cross to make on-site affordable housing provision. Therefore, in the context of inadequate housing land supply, if there were an appropriate planning obligation in place, these benefits along with the other economic and social benefits associated with the delivery of housing, would receive substantial weight.
16. Other contributions that could be provided in a planning obligation towards matters such as education and public open space, would serve to mitigate the effects of the development and so be neutral in the planning balance.

Planning balance and conclusion

17. As a consequence of the housing land supply position, the Framework, at paragraph 11(d) indicates that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. For the reasons given, the adverse highway impacts in this case would significantly and demonstrably outweigh the benefits associated with the delivery of market and affordable housing in this location. Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out at Framework paragraph 11.
19. I have found that the proposal conflicts with the development plan. Material considerations do not outweigh this conflict.
20. Therefore, the appeal is dismissed.

M Bale

INSPECTOR