



Appeal Decision

Site visit made on 26 October 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/Q1153/W/20/3256087

Land adjacent to Haseley, Butcher Park Hill, Tavistock, Devon, PL19 0EH.

- 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 Chris Hicks against the decision of West Devon Borough Council (the LPA).
 - The application Ref. 3799/19/FUL, dated 14 November 2019, was refused by notice dated 27 April 2020.
 - The development proposed is the erection of a detached three bedroom dormer bungalow with integral garage, external parking, new vehicular access and external works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An application for costs was made by the appellant against the LPA. This application is the subject of a separate Decision.

Main Issues

3. The two main issues are: firstly, whether the proposal would be likely to constrain any resumption of mineral working at the adjacent Buddle Quarry and; secondly, the likely effect upon highway safety interests.

Reasons

Planning Policy

4. The development plan includes the Devon Minerals Plan 2011-2033 (MP) and the Plymouth and South West Devon Joint Local Plan 2014-2034 (LP). The most relevant policies to the determination of this appeal are MP policy 2 (minerals safeguarding areas) and LP policies TTV1 (growth/sustainable development) and DEV29 (transport).
5. In determining this appeal, I have also taken into account the provisions of Devon County Council's Mineral Safeguarding Supplementary Planning Document 2018 (SPD).

Mineral Working

6. Buddle Quarry lies to the east of the appeal site. This inactive¹ quarry has previously been worked for Hurdwick Stone². The planning permission requires

¹ It would appear that the quarry has not been worked for over 24 years. As I saw during my visit, a small part of the quarry contains some children's' play equipment and a wooden building, which I understand was approved as a forestry building under the Prior Notification procedure (ref. 3582/17/AGR).

- the working of minerals by hand. It also prevents the use of mechanical plant or saws. This permission is 'Dormant' under the Environment Act 1995. However, representations by the Mineral Planning Authority³ (MPA) and the Town Council (TC), indicate that there is a likelihood of further working to provide a supply of stone for the repair and maintenance of Tavistock's historic fabric. The MPA has also informed me that the north western part of the quarry is unworked and is likely to be the direction of further mineral working.
7. The National Planning Policy Framework (the Framework), amongst other things, states that it is essential that there is a sufficient supply of minerals to provide infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Planning policies should safeguard mineral resources by defining Mineral Safeguarding Areas (MSA) and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development. Local planning authorities should not normally permit other development proposals in MSA if it might constrain potential future use for mineral working.
 8. MP policy 2 is broadly consistent with above noted national planning policies for minerals by limiting non-mineral development within or close to MSA to specified circumstances or types of development. This includes exempt development, as set out in criteria within the 2018 SPD. Such development excludes the construction of dwellings other than replacement dwellings.
 9. The appeal site lies within the Mineral Consultation Area for Buddle Quarry and the north eastern corner of the site adjoins the MSA. Although this quarry has not been worked for many years it is an important source of local building stone. There is likely to be future need and demand for Hurdwick Stone in order to maintain and/or repair the fabric of some of Tavistock's important historic buildings.
 10. The proposed bungalow would be built very close to the boundary of Buddle Quarry. Unlike existing dwellings, it would be directly adjacent to the area that has the greatest potential for the future extraction of Hurdwick Stone. Whilst the noise from such mineral workings would be reduced by the constraints of the extant permission, there could still be disturbance to the occupiers of the bungalow. This would include dust from stripping of soils and overburden, as well as noise associated with vehicles operating within the quarry. This would be a potential nuisance for occupiers of the proposed dwelling, with a likelihood of pressure being applied for further control on activities within the quarry. This, in turn, could frustrate mineral working and prevent an important source of stone being extracted and used to maintain the historic fabric of the town.
 11. The development would add to the stock of housing within the Borough and would increase the choice of homes available within the local housing market. However, this does not amount to an overriding need. I concur with the LPA, the MPA and the TC that the proposal would be likely to constrain a resumption of mineral working at Buddle Quarry and would conflict with the provisions of MP policy 2 and the provisions of the 2018 SPD.

² A key building stone used in some of the town's historic buildings. The quarry is the only remaining local source of Hurdwick Stone which benefits from an extant planning permission (WC/39/66). This stone is of heritage value.

³ Devon County Council.

Highway Safety

12. The appeal site does not form part of the countryside and could reasonably be considered to be within the built-up area of Tavistock. Although it is within walking distance of the town centre, as the name suggests, Butcher Park Hill rises away from the centre. The steep gradient would limit the number of walking and cycle trips that would be made by occupiers of the proposed dwelling. Whilst the proposal accords with the provisions of LP policy TTV1, in all likelihood, most trips would be made by private motor vehicle. In this regard, the proposal would generate about 6 vehicle movements/day.
13. The access track to the appeal site has a gradient of about 15% and serves the dwelling known as Haseley and some allotments. This access lies on a bend in Butcher Park Hill and on a section of the highway that is subject to a 30 mph speed restriction. The junction with Redmoor Close is on the opposite side of the road and a section of footway has recently been provided to the north of the site access. Visibility from the access onto Butcher Park Hill is restricted⁴ and is below that recommended within 'Manual for Streets'⁵. I note that the personal injury collision data only reveals one slight collision within the immediate vicinity of the site in the five year period leading up to 2018.
14. However, as I saw during my visit, visibility at the site entrance onto Butcher Park Hill is so restricted to the south that any increase in vehicular use would be likely to pose a significant hazard for existing road users. Even when exiting this junction on foot, I found myself moving onto the footway to the north and stepping into the road so as obtain necessary sight of oncoming vehicles before attempting to walk south along Butcher Park Hill. Drivers of cars emerging from this junction would be unable to do this and the serious shortfall in visibility would pose an unacceptable risk of a collision with oncoming traffic.
15. I concur with the LPA, HA and the TC that the lack of suitable visibility, combined with the steep gradient and acute angle of approach to this junction renders the access neither suitable nor safe to serve the proposed development. The proposal would compromise highway safety interests along Butcher Park Hill and conflict with the provisions of JLP policy DEV29.

Other Matters

16. There are steep boundary sides to the site and I appreciate the concerns of a neighbour regarding the potential for subsidence. However, this could be addressed by way of a suitably worded condition if the appeal was allowed.
17. I note the concerns of some other interested parties that the proposal would detract from the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). However, there is nothing before me to demonstrate that the outstanding universal value or significance of the WHS would be harmed.

Overall Conclusion

18. Given my findings in respect of the main issues above, I conclude that the appeal should not succeed.

Neil Pope

Inspector

⁴ The Highway Authority (HA) has calculated that from a distance 2.4 metres back from the carriageway edge there is 34m visibility up the hill (to the north) and only 7.5m to the south (18m if measured to the centre line).

⁵ 43 metres for speeds of 30 mph. Although my visit was only a snapshot in time, most vehicles appeared to be travelling at 30 mph along this section of Butcher Park Hill.