



Appeal Decision

Site Visit made on 1 December 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/X1118/W/20/3258772

Little Ash, Chittlehampton, Umberleigh, Devon EX37 9QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs R Nicholls against the decision of North Devon District Council.
 - The application Ref 71730, dated 3 July 2020, was refused by notice dated 10 August 2020.
 - The development proposed is residential development of one dwelling with parking and garden.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs R Nicholls against North Devon District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (or technical details consent stage) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application, if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for a dwelling, in principle, bearing in mind the settlement policies of the development plan, the accessibility of the site to services, and the effect of the development on the character and appearance of the countryside.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. The appeal site is a rough grass field, surrounded by hedgerows, approximately 220 metres to the south of the village of Chittlehampton. A house called Blackmantle adjoins the site to the west, and another dwelling, Little Ash is situated some distance to the east. These two dwellings are surrounded by open agricultural land, which clearly separates them from the settlement. The appeal site therefore lies in countryside.
7. The settlement strategy for the area is set out in the North Devon and Torridge Local Plan 2011 – 2031 (adopted 2018) (the Local Plan). It directs most new development to northern Devon's Sub-regional Centre, Strategic Centre and Main Towns. Policy ST07 addresses the spatial strategy for the rural area, where Local Centres will be the primary focus for development. Chittlehampton sits one tier lower in the hierarchy, as a Schedule B village, where development is enabled in accordance with the local spatial strategy. In the Countryside, beyond villages, development is limited to that which meets local economic and social needs.
8. The local spatial strategy for Chittlehampton, set out in Policy CHI, is to deliver a minimum of 24 dwellings through extant planning permissions and a single site allocation. A development boundary for Chittlehampton is defined, outside of which the principle of residential development is only supported on an exceptional basis. The appeal site lies well outside this boundary. No exceptional circumstances have been identified to justify the development, and there is no evidence that the proposal would meet any particular local economic or social needs. The principle of a dwelling on the site would, therefore, conflict with Policies ST07 and CHI of the Local Plan.
9. Chittlehampton accommodates a range of services, including a church, pub, village hall, shop/post office, and primary school. These are all situated within the main core of the village. A dwelling on the appeal site would be physically separated from the settlement, and its services, by the intervening fields. Occupants would have two alternative routes to access these services.
10. The first is via a footpath that passes through a passageway under the first floor of Blackmantle, and across a field to arrive at the main village street, to the north. This route is approximately 330 metres in length. Whilst this is a walkable distance, the path is narrow, steep in parts, and has a rough surface. It would not, therefore, be suitable for pushchairs, wheelchair users or people with limited mobility. As the path is unlit, and crosses an open field, it would not be suitable for use outside daylight hours. Consequently, this route is only likely to be used for a limited proportion of journeys to access essential services.
11. The alternative route is via the road into the village to the west. This would entail a walk of about 500 metres to the village hall, which is, again, a walkable distance. The road surface and width would be more suitable for pushchairs and wheelchairs, but there is no separate footpath, so pedestrians would have to share the carriageway with vehicles. Furthermore, there are considerable slopes to negotiate. These factors, together with the absence of lighting, would be likely to deter occupants from using sustainable travel options to obtain the services in the village via this route.

12. The unsuitability of these routes for sustainable access to the village services means that occupants are likely to resort to private vehicles to make the journey into the village, or to opt to seek a wider range of services further afield. The appellant acknowledges that public transport to and from Chittlehampton is limited, and that residents are largely dependent on the private car for journeys beyond the village. Occupants of the dwelling would therefore be largely reliant on private transport to access services and facilities, placing the proposal in conflict with Policy ST10 of the Local Plan, which seeks to reduce the need to travel by car by ensuring good accessibility to services and community facilities.
13. I am mindful that the Local Plan makes provision for some residential development in Chittlehampton. The evidence indicates that the extant permissions are within the development boundary, and that the allocated site adjoins it. Therefore, although the distance to the village centre maybe similar, future occupants of these dwellings would be able to access the services via relatively level roads, with lighting and segregated footways, so would be more likely to use them, and to choose sustainable transport modes to do so.
14. Chittlehampton is a linear village, and there is a clear distinction between the built form of the settlement and the surrounding rolling countryside within which it is set. Although the evidence indicates that the appeal site has planning permission for domestic (equestrian) use, it has the appearance of a small, rough grass field. It therefore conforms with the characteristic patchwork of fields with hedgerow boundaries that surround the village, and thereby makes a positive contribution to the countryside setting of the settlement. Policy CHI (d) of the Local Plan seeks to retain the character of the village and its relationship with the countryside.
15. This relationship is evident when approaching the village by road from the south. From here, Blackmantle is not visible, as it is around the bend in the road. Consequently, the village, including the prominent church tower, is seen on higher ground within an entirely rural setting. A dwelling on the appeal site would be in the foreground of these views, and would be an intrusive feature in the countryside setting of the village. Whilst the design of the dwelling could be controlled at Technical Details stage, it is the absence of development on the appeal site that makes such a positive contribution to the village setting.
16. The importance of the surrounding countryside to the setting of the village is also apparent in views out of the settlement. The grounds of the village hall provide a vantage point from which the rolling, undeveloped landscape setting of the settlement can be appreciated. The distinction between the built form of the village and the surrounding countryside is evident from here, and plays an important role in the character of the settlement. Whilst Blackmantle is visible, the absence of development on the appeal site means that it is seen as an isolated rural dwelling. The proposed dwelling would result in a more consolidated pocket of development, which would be harmful to the landscape setting of the village. The proposal would, therefore, conflict with Policy CHI, and also with Policy ST14 of the Local Plan, which seeks to protect local landscape character.
17. Therefore, when judged against policies relating to settlement pattern, accessibility to services, and countryside character, the location, land use and amount of development proposed would conflict with the development plan. As

there are no policies in the Local Plan which positively favour development of this kind in this location, there would be a conflict with the development plan as a whole.

Planning Balance

18. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result, Paragraph 11 d) of the National Planning Policy Framework (the Framework) advises that permission should be granted unless 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.
19. The Framework seeks to achieve sustainable development across overarching economic, social and environmental objectives. The proposal would provide economic benefits through the creation of employment during the construction process, and the future spend of residents in the local economy. However, as the proposal is only for a single dwelling, these benefits would be limited.
20. In terms of social benefits, the development would provide an additional dwelling, which would contribute towards addressing the shortfall in housing sites. It would also support the Framework's objective of significantly boosting the supply of homes. However, the benefit of a single dwelling would not be substantial, and its separation from the village means it would not be located where it would readily enhance or maintain the vitality of the rural community.
21. The dwelling would be alongside an existing house, and within reasonable distance of the village. It could not, therefore, be described as an isolated home in the countryside, which the Framework seeks to avoid. However, the nature of the routes into the village mean that occupants would not be able to easily access the services there by sustainable transport modes. Consequently, there would be a reliance on private vehicles, which would be contrary to the Framework's aims to promote sustainable transport, and would fail to meet its environmental objective of moving to a low carbon economy. Furthermore, the Framework recognises the intrinsic character and beauty of the countryside, which would be harmed by the proposal.
22. The benefits of the development are limited. Consequently, when assessed against the policies in the Framework taken as a whole, they are significantly and demonstrably outweighed by the harm to the settlement strategy, the increased reliance on private transport, and the adverse impact on the character of the countryside setting of Chittlehampton. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR