
Appeal Decision

Site visit made on 6 April 2021

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/K1128/W/20/3253743

Land on east side of New Road, Bickleigh, Plymouth, Devon, PL6 7AN.

- 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 Hill against the decision of South Hams District Council (the LPA).
 - The application Ref. 0379/19/FUL, dated 5/2/19, was refused by notice dated 13/1/20.
 - The development proposed is described as the *erection of a new dwelling of exceptional quality and design, landscape enhancements and associated works (para 79 house)*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants accept that the proposed dwelling would comprise an isolated home¹ within the countryside but have argued that it would meet criterion (e) of paragraph 79 of the National Planning Policy Framework (the Framework).
3. Prior to the LPA's determination of the application an amended plan was submitted showing a reduction in the extent of the 'red line' application site area. I have determined the appeal on the basis of this amended plan.
4. An application for costs was made by the appellants against the LPA. This application is the subject of a separate Decision.

Main Issues

5. The two main issues are: firstly, whether the proposal would be justified as an exception to established national and local planning policies restricting isolated homes in the countryside, having regard to the quality of the proposed design and; secondly, the likely effect upon biodiversity.

Reasons

Planning Policy

6. The development plan includes the Plymouth and West Devon Joint Local Plan 2014-2034 (LP) and the Bickleigh Parish Neighbourhood Plan 2016-2034 (NP). The most important policies to the determination of this appeal are LP policies TTV26 (development in the countryside), DEV23 (landscape character), DEV25 (nationally protected landscapes), DEV26 (biodiversity) and NP policies Bick01 (ecology), Bick04 (new housing) and Bick11 (design and layout).

¹ The proposed dwelling would be physically separate / remote from any recognisable settlement.

The Site and Surroundings

7. The appeal site is part of a 2.1 ha field/meadow with vehicular access from New Road. The site slopes downwards in an easterly direction with a small coppice along the northern and eastern boundaries. Heleball Wood is on the opposite side of New Road. Other woodland lies to the east of the site and alongside the River Plym. Several small sheds/field shelters have been erected adjacent to the access and outside the 'red line' site area. The boundary of the Dartmoor National Park (DNP) is about 390 metres to the east.
8. The site lies within Bickleigh Vale to the north east of Plymouth. This valley forms a natural edge to the city and provides a secluded and naturalistic corridor connecting Plymouth to Dartmoor. As I noted during my visit, the area is popular with visitors. This includes those using National Cycle Route (NCR) 27 through Heleball Woods, as well as others using the public car park at Shaugh Bridge and undertaking the very attractive walk to the viewpoint at Dewerstone Rock² within the DNP. I would expect the area to be more popular with visitors when all of the COVID-19 lockdown restrictions have been lifted.
9. The appeal site lies within a part of the South Hams countryside that has been identified³ as having a 'Secluded Valleys' landscape character type (LCT). The key characteristics of this LCT include its strong wooded and secluded character, sense of peace and tranquillity despite the close proximity to Plymouth, semi-natural habitats, large tracts of ancient woodland and accessible greenspace. The landscape condition is good.
10. The site can be seen from sections of New Road⁴ and can be glimpsed from part of NCR 27. Part of the site also appears in the mid-ground of the stunning views from Dewerstone Rock⁵. The unspoilt, green open qualities of the appeal site are an integral part of Bickleigh Vale and make a pleasing contribution to the character and appearance of the area, including the setting of the DNP.

Design Quality

11. The proposed 8 bedroom dwelling would be sited in the eastern part of the field/meadow and immediately adjacent to the coppice. This new two storey house would be of a contemporary design with some curved walls and roofs⁶ and some large glazed areas and balconies. It would have an irregular shaped plan form that, in essence, would comprise two side sections⁷/wings linked by a wider central section⁸. The external materials would comprise a mix of granite walls, timber 'hit-and-miss' boarding and horizontal metal cladding. There would be green roofs⁹ on the side wings and a photovoltaic array and thermal panels on the roof of the central section of the dwelling.
12. An access driveway and turning space would be provided along the southern and eastern boundaries of the site. Some existing hedgebanks would be

² Approximately 1.25km from the appeal site.

³ A Landscape Character Assessment for South Hams and West Devon 2018.

⁴ Many of those using this road and all of those using NCR 27 and walking within the DNP would comprise high sensitivity receptors visiting this part of the countryside for recreation/amenity purposes.

⁵ Having determined previous appeals in and around the DNP, I am aware that the special qualities of this nationally important landscape include the wide views from the upland moors.

⁶ The LPA has calculated that the building would vary in height between 6m and 7.1m.

⁷ The LPA has calculated that these would measure approximately 8m x 30m. One section would comprise a guest wing and the other a living wing.

⁸ The LPA has calculated that this would measure approximately 11m x 13m and would comprise the master wing.

⁹ Referred to as brown roofs on the submitted plans.

restored and new deciduous woodland and woodland edge planting would be undertaken. The central part of the remainder of the field would be planted as a native wildflower meadow. Bat and bird boxes would be incorporated into the fabric of the building along with a range of energy efficient measures.

13. It is evident from the various reports and statements submitted with the appeal that a detailed assessment of the character of the site and surrounding landscape has been undertaken on behalf of the appellants. This has informed the proposed development and the appellants multidisciplinary team has given thoughtful consideration to the design of the proposed dwelling.
14. In this regard, the new building would be sited in the lower part of the field and the new tree planting alongside would, over time, lessen the visual impact of the house. The proposed curved walls would reflect the arrangement of some existing hedgebanks and the curved roof shape would have a similar profile to the hillside to the east. The materials to be used on the external walls and roofs of the building would be largely sympathetic to the palette of natural materials found within the local landscape. The layout of the proposed rooms and the focused views that would be available inside the dwelling would provide a very pleasant living environment for the appellants and their families.
15. The proposed development has received the support of the independent Design Review Panel and I note that those acting on behalf of the appellants have secured permission for 'paragraph 79(e)' homes in other parts of the country. Having read the professional documentation that accompanied the appeal scheme and viewed the site and surroundings, I consider that the proposal would be designed to a very good standard. However, I struggle to see how it would be so remarkable or excellent as to reach the very high bar of being a truly outstanding design. I concur with the remarks made by the LPA's officers that similar designed buildings and materials have been used in contemporary schemes elsewhere and the proposal would not be unusual in terms of architectural aesthetics.
16. The proposal would incorporate a low carbon energy strategy (LCES). This would be aimed at reducing the building's reliance on imported energy, minimising the impacts of its operations and addressing the demands of the appellants lifestyle in addition to regulated energy consumption. It is intended to create a highly efficient building envelope using 300mm insulation, triple glazed windows and a Mechanical Heat Recovery System. The south facing windows would provide passive solar gains and integrated renewable technologies¹⁰ would be used. Whilst this is to be welcomed, it is not unusual for new homes to encompass sustainable design and construction techniques and/or technologies such as those noted above.
17. I note from the Design and Access Statement that the proposed energy efficient measures would enable this new home to substantially exceed the current definition of zero carbon and that the LCES has not been implemented in any building in the UK in the form and manner proposed. If that is case, the development could be considered novel and the proposed building construction and energy generation approach that would be incorporated within the design of the building could amount to an exemplar scheme. However, the LPA has informed me that LCES have been utilised in many sustainable energy buildings and that all new developments are required to minimise energy consumption as

¹⁰ In addition to the proposed photovoltaic panels, a biomass boiler would be provided as part of the development.

part of the overall design. In the context of LP policy TTV26 and paragraph 79 of the Framework the proposal would not be innovative.

18. Any well designed scheme is likely to assist in raising standards of design. I have found above that the proposal would comprise very good design. It would therefore help raise standards of design more generally in rural areas. However, this does not mean that planning permission should be forthcoming. The development plan and the Framework also require isolated homes in the countryside to significantly enhance their immediate settings and be sensitive to the defining characteristics of the local area. In this regard, the proposed tree planting, wildflower meadow, management of existing hedgerows and removal of the existing sheds/field shelters would provide some modest enhancement to the local landscape.
19. This enhancement must be considered alongside the landscape and visual impact of the proposed dwelling and its other associated works. The proposal would comprise a sizeable new building with a lengthy access driveway, hardstanding area and inevitable external domestic paraphernalia. There would be light spill from inside the house and, with 8 bedrooms, there could be a considerable increase in activity, not least through the regular 'comings and goings' of motor vehicles, including deliveries. The development would be overtly residential in character and notwithstanding the best endeavours of the appellants architect, at odds with the existing countryside character of this part of Bickleigh Vale and some key characteristics of the LCT.
20. Overall, the proposal would erode the unspoilt green open qualities of the site and detract from the quality of the local landscape, including the sense of peace and tranquillity. When seen from the public realm, the development would appear as an unexpected and unnecessary visual intrusion into this secluded valley and into the setting of the DNP. The proposal would not significantly enhance its immediate setting and would not be sensitive to the defining characteristics of the local area. The proposed design would not therefore be of exceptional quality and would conflict with the provisions of LP policies TTV26, DEV23, DEV25, NP policies Bick04 and Bick11, as well as paragraph 79 of the Framework.
21. I conclude on the first main issue that proposal would not be justified as an exception to established national and local planning policies restricting isolated homes in the countryside.

Biodiversity

22. The appellants Ecological Impact Assessment¹¹ found that the proposed development could have an impact on local bat populations¹². This is unsurprising given the site's secluded countryside location, the proximity of hedgerows, woodland, the River Plym and Shaugh Tunnel. The proposed increase in lighting and human activity at the site and the change of land use were all identified as having a potential adverse impact on bats.
23. However, the Assessment also found that a lighting plan, the proposed wildflower meadow, which would increase insect life for bats, and the retention of trees where bat roosts are detected would provide adequate mitigation. I have also noted above that the fabric of the proposed building would include

¹¹ This includes a series of bat surveys that identified a low number of bats using the site.

¹² Including common pipistrelle, soprano pipistrelle, noctule and Myotis.

some bat roosts. These matters could be conditioned as part of any permission. Within the LPA's committee report the Biodiversity Officer's consultation response was reported as "*No objection subject to conditions*". There is nothing of substance to substantiate the LPA's concerns that the proposal would have a detrimental impact on identified bat species.

24. The appeal site is situated approximately 5.4 km to the west of the Tamar Estuaries Complex Special Protection Area (SPA)¹³ and the Plymouth Sound & Estuaries Special Area of Conservation (SAC)¹⁴. I understand that it falls within the Zone of Influence for new residential development. The proposal would not be directly connected with or necessary to the management of the SPA or SAC for nature conservation purposes. Moreover, in combination with other plans and projects it would be likely to have a significant effect on the internationally important interest features of the SPA and SAC. In particular, the increase in recreational/visitor pressure would be likely to conflict with the conservation objectives for the SPA and SAC and adversely affect the integrity of these sites.
25. I note from the consultation response from Natural England that on the basis of an appropriate financial contribution being secured towards the cost of delivering Strategic Access Management and Monitoring within the SPA and SAC the proposed development would not have an adverse effect on the integrity of these sites of nature conservation interest. The LPA and the appellant agree. Subject to mitigation being secured, I see no reason to find differently on the likely impact upon the integrity of the SPA and SAC.
26. Both main parties have suggested that this matter should be addressed by way of a planning condition. Whilst the LPA's suggested condition refers to "*a scheme to secure mitigation*" it is clear from the information before me that this is intended to comprise a financial contribution. The appellant's agent has gone one step further and has suggested that a condition should be attached to a permission requiring "*a financial contribution in the sum of £40.38*"¹⁵.
27. Although my decision does not turn on this matter, a planning condition that required the appellants to enter into a planning obligation or required the payment of monies, would conflict with the Planning Practice Guidance on the use of conditions and would be unlikely to meet the provisions of paragraph 55 of the Framework. Had I therefore found differently in respect of the first main issue above, I would still have been unable to grant planning permission as there is no adequate mechanism in place to secure the necessary mitigation in respect of the likely adverse impact on the integrity of the SPA and SAC.
28. I conclude on the second main issue that the proposal would harm biodiversity interests within the SPA and SAC and conflict with the provisions of LP policy DEV26 and NP policy Bick01.

Overall Conclusion

29. Given my findings above, I conclude that the appeal should not succeed.

Neil Pope

Inspector

¹³ Contains internationally important populations of Avocet and Little Egret.

¹⁴ Internationally important sandbanks, estuaries, large shallow inlets and bays, reefs and Atlantic salt meadows.

¹⁵ Derived from the published figures for calculating contributions from new dwellings.