
Appeal Decision

Site visit made on 6 April 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/Y1138/W/20/3264594

The Store, Morchard Road, Crediton, Devon

- 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 Peter Martin against the decision of Mid Devon District Council.
 - The application Ref 20/01459/FULL, dated 4 September 2020, was refused by notice dated 5 November 2020.
 - The development proposed is the erection of a dwelling following demolition of existing redundant building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling following demolition of existing redundant building at The Store, Morchard Road, Crediton, Devon, in accordance with the terms of the application, Ref: 20/01459/FULL, dated 4 September 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. In the interests of accuracy and consistency, I have used the address of the appeal site as provided on the Council's Decision Notice, in the banner heading above. Furthermore, I have amended the original description of development to reflect that as stated on the Council's decision notice, again in the interests of accuracy and consistency.

Main Issue

3. The main issue in this appeal is whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and to the reliance on motor vehicles.

Reasons

4. The appeal site comprises land and a detached building, located adjacent to the A377 highway and within the village at Morchard Road. The building at the site is somewhat run down in appearance, clad in metal sheeting, and positioned abutting the pedestrian footway adjacent to the abovementioned highway. The appeal site is enclosed by residential development to the west and south with a public house and recent housing development being located to the east of the site and on the opposite side of the A377 highway.

5. Policy S14 of the Mid Devon Local Plan 2013 -2033 (July 2020) (the Local Plan) concerns development within the countryside and provides that, outside certain named settlements, development will be permitted where it would preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural community subject to a number of specific criteria. It is common ground between the main parties that the appeal site is located outside of the specified settlements and therefore would be located within the countryside in terms of the Local Plan.
6. The appeal proposal seeks to replace the existing somewhat run down building at the site and, from the evidence before me and from observations made on my site visit, would result in a dwelling which would reflect local character and appearance in terms of scale and character. In this regard, the proposal would comply with those parts of Policy S14 of the Local Plan which requires that development in areas which are designated as countryside by the Local Plan, preserves and enhances the character and appearance of the area. Furthermore, the evidence indicates that the proposal could provide some, albeit limited, biodiversity enhancement to the appeal site.
7. However, the appeal scheme proposes an open market dwelling which does not seek to convert an existing building nor provide farm diversification, agricultural development, or tourism related development. Consequently, the appeal proposal would conflict with the specific provisions of Policy S14 of the Local Plan and this weighs against the proposed scheme.
8. The Council maintains that new housing at the site would not have adequate access to services and facilities that may be reasonably required on a day to day basis by future residents. Whilst the Council's submissions regarding local services are acknowledged, the appeal site is located with convenient access to both a bus stop and a train station which provides frequent access to the nearby larger settlements at Copplestone and Crediton. Access from the site to these frequent transport links would be along pedestrian footways with the time taken to reach those nearby settlements by public transport being short. While I saw on my site visit that cyclists were travelling along the A377 highway, vehicle speeds outside of Morchard Road were relatively high and therefore I would concur with the Council that cycling would not be an attractive alternative option for all.
9. Nonetheless, the evidence before me confirms that a dedicated bus service runs from Morchard Road to Copplestone and Crediton for children to attend primary and secondary schools and given the appeal site's location within a very short distance of frequent public transport services, I do not find that the appeal scheme would necessarily or substantively add to the need to travel by car within this area. In this regard and in combination with the above, the appeal scheme would comply with Policy S1 of the Local Plan which, amongst other matters, requires that development respects local character, surroundings and materials, creating safe and accessible environments and reducing the need to travel by car. Compliance with Policy S1 of the Local Plan weighs in favour of the proposal.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

11. The appeal proposal would provide an additional unit towards housing supply at a location with convenient access to services and facilities and which would not add to the need to travel by car. In this respect, the proposal would accord with paragraph 103 of the National Planning Policy Framework (the Framework) which provides that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The appeal scheme would represent use of previously developed land (PDL) within a settlement and in this regard the Framework provides that planning decisions should give substantial weight to the value of using PDL. Furthermore, the proposal would provide limited economic benefits in terms of employment opportunities during the construction phase and would provide limited benefits in terms of biodiversity enhancement. I attach limited weight to these combined benefits by reason of the scale of proposed development.
12. In summary of the above, whilst I have concluded that the appeal proposal would not strictly accord with Policy S14 of the Local Plan, the proposed scheme would comply with the requirements, aims and objectives of Policy S1 of the Local Plan and would accord with the provisions of the Framework. In this instance, I attach greater weight to the proposals' compliance with Policy S1 of the Local Plan than to its conflict with Policy S14 of the Local Plan by reason that the appeal scheme would also satisfy the requirements of those parts of Policy S14 of the Local Plan with regards to the preservation and enhancement of the character and appearance of the area and in respect of biodiversity enhancement. I therefore conclude that the proposed development would comply with the development plan and the Framework when taken as a whole.

Other Matters

13. Interested parties raise additional objections and concerns regarding the appeal proposal, on the grounds of the effect of the scheme on the living conditions of nearby residents, drainage, highway safety and parking provision.
14. In respect of drainage concerns, in line with the recommendations of Council Officers, such matters can be adequately controlled by the Council through the application of suitable conditions, to which I shall return to in the below section of this appeal decision. With regards to highway safety and parking provision, the evidence before me indicates that emerging vehicles from the site would have sufficient visibility in both directions and that parking places at the site would accord with the requirements of the Local Plan.
15. In respect of concerns regarding the effect of the proposal on the living conditions of nearby residents, consistent with the conclusions of the Council and by reason of the separation distance, orientation of windows and design of the proposed dwelling, the appeal scheme would not have an unacceptable adverse effect on the living conditions of nearby residents with regards to overlooking or loss of privacy.

Conditions

16. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision,

to define the plans with which the appeal scheme should accord. In the interests of public health and the environment, it is reasonable to include conditions requiring investigation and remediation of potential contaminated land.

17. Furthermore, in the interests of highway safety and the living conditions of residents, it is reasonable and necessary to include conditions which require the approval of a construction management plan and that the proposed parking arrangements are provided prior to occupation of the new dwelling. A condition which requires confirmation of the proposed surface water drainage system is also necessary in the interest of public safety. Furthermore, a condition that requires details of the proposed use of external materials is reasonable to ensure that the scheme does not adversely affect the character and appearance of the area.
18. In addition to the above, it is noted from the Council's Officer report that, in the event that planning permission was granted, a condition would need to be included which required that the enhancement measures contained within the applicant's ecological report be applied to the site and I have therefore included this requirement. I have not imposed the Council's suggested condition which restricts permitted development rights as no clear justification has been provided by the Council which demonstrates that there is a need to limit these rights in this particular instance.
19. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusion

20. For the reasons given above, the appeal succeeds and planning permission granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby approved shall in all respects accord strictly with drawing numbers: Proposed Elevations Rev B, Proposed Floor Plans Rev B, Proposed Parking Plan Rev B and Visibility Splay received by the Local Planning Authority on 22 October 2020 and drawing numbers: Site Location Plan PDM/240720 and Block Plan PDM/240720 received by the Local Planning Authority on 4 September 2020.
- (3) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the Local Planning Authority for approval. No work shall proceed on site until either the Local Planning Authority grants written consent for the development to commence or the requirements of condition (4) below are met.
- (4) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (3) above, a remediation statement together with a timescale for completion of the required works shall be submitted for approval in writing to the Local Planning Authority.
- (5) Following completion of any works required by condition (4) above, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.
- (6) Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during

the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works;

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(k) details of wheel washing facilities and obligations;

(l) The proposed route of all construction traffic exceeding 7.5 tonnes;

(m) Details of the amount and location of construction worker parking;

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(7) No development above slab level of the new dwelling hereby approved shall take place until details of a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling and retained thereafter.

(8) Prior to their use on site details of the materials to be used for all the external surfaces of the building shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.

(9) Before the development hereby permitted is first brought into use, the vehicular access, parking and turning areas indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway) in accordance with details to be submitted to, and be approved in writing by, the Local Planning Authority. Following their provision, these facilities shall be so retained.

(10) The development hereby approved shall only take place in full accordance with the conclusions and recommendations of the Colmer Ecology Ltd Preliminary Ecological Appraisal Report dated September 2020.