The Planning Inspectorate

Appeal Decision

Site visit made on 17 May 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/Q1153/W/21/3268291
Land adjacent to Hartwell Barn, Sydenham Damerel PL19 8QU

- 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 Ms R Cruise against the decision of West Devon Borough Council.
- The application Ref 0784/20/FUL, dated 4 March 2020, was refused by notice dated 13 October 2020.
- The development proposed is Forest School with small classroom building and 8 no. parking spaces.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the location of the development accords with local policies in respect of its accessibility by sustainable travel modes and minimising the need to travel by private transport;
   - the effects on the character and appearance of the area, including on the Tamar Valley Area of Outstanding Natural Beauty;
   - whether the proposal would incorporate adequate carbon reduction measures; and
   - whether the proposal would be served by an adequate means of foul drainage disposal.

Reasons

Location of development

3. The appeal site is located in the countryside, although there are a few scattered dwellings and farmsteads in the wider surroundings. Whilst not truly isolated in the sense of being distant from any form of development, the site is at least remote from any settlements of scale which have everyday services. Public transport options are not available from anywhere local to the site and the routes to/from and nature of roads serving the site are not conducive to walking or cycling as an alternative to private transport.

4. Policy SPT1 of the Plymouth and West Devon Joint Local Plan (JLP) (adopted 2019), seeks to promote sustainability through all forms of development, including through environmentally conscious economic activity, the creation of sustainable societies and through protection of natural assets and the

environment. It specifies a number of ways in which it seeks to do so, but providing access to a range of health-promoting travel options, reducing energy demand and low carbon energy schemes all underline the Plan's focus on the environmental impacts of travel and development generally.

5. Policy SPT2 seeks to create sustainable rural communities through ensuring that they are well served by public transport, walking and cycling opportunities, have services that provide for all sectors of the local population, including facilities to meet identified needs such as education and training opportunities, employment uses, health care, arts, culture and community facilities etc.

6. The appeal site is within the Thriving Towns and Villages Area (TTVA) and is in the fourth tier category of Policy TTV1 which relates to the 'Smaller villages, Hamlets and the Countryside', where "*development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2)…*".

7. JLP Policy TTV26 seeks to protect the special characteristics and role of the countryside by restricting most forms of development other than those specifically listed. Whilst the first part of the Policy refers to 'isolated' development, it is difficult to imagine many circumstances where a site would be so distant from other scattered rural dwellings that this could strictly apply.

8. The proposal would not accord with any of the exemptions listed under TTV26 (1) and nor would it comply with any of the specific criteria listed under TTV26 (2). Whilst the appellant indicates that the Policy is not exhaustive and does not cater for all possible developments that may occur in the countryside, it at least addresses those that are most likely to occur, i.e. rural worker's dwellings and reuse of rural buildings. The Policy, considered with the rest of the JLP as a whole, could not be said to be entirely silent on the way in which the proposal should be assessed, because it is clear that development beyond the settlements should be limited.

9. In my view, the relevant Policies and JLP as a whole do not lend in-principle support for the development. Firstly, it would not align with the principles of sustainable development because the area cannot be accessed other than by private vehicle. Secondly, whilst there may be a broader 'community' within West Devon that would seek education and training opportunities offered, there is limited evidence of any identified local demand for such, or of a lack of to such facilities. Thus, the sustainability of said community could not be said to be enhanced by the proposal if it is unclear who it is intended to serve and how accessible it would be to them.

10. Whilst the appellant's evidence indicates that the proposal represents an opportunity to enhance the well-being of its users, the research that underpins this claim has not been provided to me and nor is it explained that the proposal is the only way of achieving such an aim. Additionally, I accept that the predication of a Forest School facility requires it to be within an area of woodland, however, such a location could be better positioned for access to the strategic road network and/or shorter distances from a range of settlements from where the spread of users may travel.

11. Therefore, drawing this main issue together, the proposal would not be located to accord with local policies in respect of its accessibility and therefore conflicts with, in particular, Policies SPT1, SPT2, TTV1, DEV15 and TTV26.

Effects on character and appearance of the area

12. The appeal site comprises a densely wooded area which is level at the access point from the north-west, and then slopes steeply down to the south-west. A hedgebank encloses the site from the adjoining road, although there is an existing gated opening.

13. The proposal would remove a small number of trees and vegetation in order to create an enlarged levelled area for vehicle parking and manoeuvring. A timber pitched roof building, measuring approximately 7.5 metres by 4 metres, with a ridge height of approximately 3 metres, would be constructed to the south of the parking area on a lower level.

14. Given the modest scale of the building, its timber exterior and siting amongst trees, nestled down away from the road and at a lower level, it would have a minor impact on the landscape character and visual qualities of the area. The car park, whilst opening up the site in views from the road, would also have a similarly minor effect. The clustered trees on the edges of the parking and manoeuvring area and those along the hedgebank would be retained, helping to contain the development and limit wider views thereof.

15. There would be a degree of harm from the introduction of both elements of the development to an area where there is currently no development at all. Similarly, views of temporarily parked cars and a disruption to the area's general tranquillity would be intermittently harmful for the duration of sessions. Whilst this could not be said to preserve the AONB, the scale of the collective effects would still only result in minor harm overall.

16. For the reasons above, the proposal would result in minor harm to the character and appearance of the area. For the same reasons, it cannot be held to preserve or enhance the Tamar Valley Area of Outstanding Natural Beauty. The proposal therefore conflicts with, in particular, Policies DEV23 and DEV25 of the JLP which seek to avoid adverse effects on local character and nationally designated landscapes.

Carbon emission reduction measures

17. JLP Policy DEV32 seeks to deliver low carbon development through identification of opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure.

18. The proposal was put forward with a building to be heated by a wood burning stove that would be fuelled by wood sourced from the site. The building was to rely on natural light only, avoiding the need for an electricity supply. Water was to be supplied by the appellant from home for handwashing, and composting toilets were to be provided. The timber cladding for the building was also to be sourced from trees felled from elsewhere on site.

19. For a proposal involving the construction of a building, and aside the reliance on private vehicle, the carbon impacts appear to have been minimised as far as practicable. Whilst further information in this regard was provided at the appeal stage, rather than with the original appeal application, it appears that there has been sufficient consideration of opportunities to minimise the impact of the proposal.

20. Therefore, subject to conditions, the proposal could incorporate adequate carbon reduction measures in compliance with JLP Policy DEV32.

Foul drainage

21. The proposal involves the provision of a toilet within the building which the appellant intends would be a composting toilet, i.e. non-flushing and not connected to a septic tank or similar means of non-mains disposal. Subsequent correspondence suggests that the appellant would take away foul water for disposal at her home address and that the drainage undertaker, South West Water, has no objections in this regard.

22. Despite the Council's suggestion that such a means of drainage would not be acceptable, the Council has suggested a condition requiring the submission and approval of details in connection with both surface water and foul water. In my view, the use of a condition is an acceptable way in which to secure an agreeable solution to achieve compliance with JLP Policy DEV35.

Planning balance and conclusion

23. Notwithstanding the limited evidence in relation to such, I accept that there would be some social benefits to the users of the Forest School through the availability of educational opportunities. However, these limited benefits do not outweigh the unsustainable location and minor harms to the character and appearance of the area and AONB, which result in conflict with the development plan, read as a whole. Neither the National Planning Policy Framework nor any alternative considerations raised indicate that the decision should be made other than in accordance with the development plan.

24. Consequently, the appeal must fail.

Hollie Nicholls
INSPECTOR