



Appeal Decision

Site Visit made on 3 August 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/U1105/W/21/3271456

Land East Of Claremont, Green Lane, Axminster EX13 5TD

- 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 Martin Overton against the decision of East Devon District Council.
 - The application Ref 20/1826/PIP, dated 20 August 2020, was refused by notice dated 29 September 2020.
 - The development proposed is the construction of 1 no. self-build dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. 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 ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle (PIP) is limited to location, land use and the amount of development permitted. 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.
4. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. I have taken the Framework into account in reaching my decision.

Policy Context

5. Each proposal must be determined on its particular merits in accordance with the development plan unless material considerations indicate otherwise. In this instance the relevant development plan is the adopted East Devon Local Plan 2013-2031 (LP) and the East Devon Villages Plan 2018 which the Council confirms was adopted in July 2018 and also forms part of the development plan. The appellant contends that the LP is out of date as the Council has now embarked on the process of reviewing the plan to take forward its strategic policies over the period 2021-2040. However, paragraph 219 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework

and that it is their degree of consistency with the Framework which determines what weight should be given to them.

6. The Framework has sustainable development at its core, seeking to deliver housing in the most accessible locations and limiting development in areas such as open countryside where access to services and facilities required for everyday living are more limited and increase reliance on the private car. Strategy 7 of the LP restricts development in the countryside unless it accords with a specific Local or Neighbourhood Plan policy and no harm would result to the amenity or quality of the landscape in which it is located. Policy TC2 of the LP require that new developments are located in areas which are accessible and well-related to compatible land uses such as to minimise the need to travel by car. In this respect, I find that the LP strategic policies for the distribution of housing accord with the Framework.
7. The Council has confirmed that its 5 year housing land supply (HLS) is 5.73 years as published in its Housing Monitoring Update (up to March 2020). The appellant is not suggesting that this figure is incorrect but does contend that HLS will become an issue in future as the Council will need to provide for a greater number of houses in its review of the current development plan. For the purposes of this appeal, I must take account of the HLS as it exists at the present time.
8. Taking both these matters together, I conclude that the LP policies which relate to this appeal are not therefore out-of-date and can be given full weight.

Main Issue

9. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

10. The appeal site is located in an area of low density residential development along a leafy lane where the properties tend to be large and set back from the road in generous plots. The appeal site is set back from Green Lane, in amongst other residential dwellings and accessed via a private drive. The site is overgrown having become naturalised with some mature trees and established planting. The appeal site is a generous sized plot and I agree with the Council that the development of the site for one dwelling would not result in harm to the character and appearance of the area. I also find that a dwelling could be designed so as to not result in any detrimental impact on the living conditions of neighbouring occupiers.
11. However, the appeal site lies in open countryside, that being the term applied to sites which are located outside a development boundary defined in a development plan. The Council has confirmed that there are no current LP policies which would permit open market housing in this location and that there is no adopted Neighbourhood Plan which covers the appeal site as required by Strategy 7 of the LP. Consequently, I find that the erection of a dwelling on the appeal site which is in open countryside, is not supported by Strategy 7 of the LP.
12. The appellant contends that support for the appeal scheme, which is described as being a zero carbon self-build dwelling is provided for in the 'Planning for the

Future' White Paper (August 2020) and the 'Sustainability Appraisal and Strategic Environmental Assessment Draft Scoping Report' for the East Devon Local Plan 2021-2040, dated January 2021. The White Paper is a consultation document setting out government proposals for a reform of the planning system. It provides a basis for consultation and discussion with interested or affected groups but will require an Act of Parliament in order to become government policy. The East Devon Draft Scoping Report is an initial document in the plan-making stage. Both of these documents have been out to public consultation but I have given them very limited weight in my decision in accordance with paragraph 48 of the Framework.

13. Policy TC2 of the LP requires new development to be located in areas which are accessible to pedestrians, cyclists and public transport so as to minimise the need to travel by private car. My attention has been drawn to the services and facilities available in the vicinity of the site at Raymond's Hill. However, these are limited and would not provide all the services and facilities required for day-to-day living including health services and employment. The appellant advises that these would be available in Axminster (including a train station) which is approximately 2 miles from the site. Details have also been provided of bus services on the A35 to nearby towns and local schools together with cycle routes and the appellant has drawn my attention to proposals for the possible expansion of the bus services and routes in the area, although I have not been provided with a timetable for their implementation.
14. I accept that school children provided with bus transport to school will use this service. However, I noted during my site visit that Green Lane is unlit and does not have a dedicated pedestrian footway. Similarly, parts of the A35 are unlit and I am not persuaded that in the dark or during adverse weather conditions, occupants of the appeal dwelling would favour walking, cycling or public transport over the private car which would deliver its occupants to the range of services and facilities available in Axminster in around 6 minutes.
15. I therefore find that the appeal dwelling would not be located so as to be accessible by pedestrians, cyclists and public transport for the range of services and facilities required for day-to-day living. As such the proposal would conflict with policy TC2 of the LP and the Framework which seek to locate development in accessible locations. As a result, I find that the site is not suitable for residential development, having regard to its location and the proposed land use.

Other Matters

16. The appeal scheme would provide benefits in terms of boosting the supply of housing. It would provide a family home, which the appellant says is needed in Raymond's Hill as evidenced by the lack of housing for sale. The self-build and zero-carbon nature of the scheme located in a rural environment which would promote healthy living and support the local economy both during and beyond the build, has also been presented as a benefit. The Council contends that sufficient planning permissions for self-build proposals have been granted to meet demand in accordance with the statutory duty. Even if I were to find that this was not the case, a self-build proposal would need to be secured via a planning obligation and entering into a s106 agreement is not an option at the initial PIP stage. I have therefore given the self-build nature of the proposal

limited weight. Taken together, I find that the public benefits of a single self-build plot would be modest and would not outweigh the harm identified.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR