



Appeal Decision

Site visit made on 11 February 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/U1105/D/21/3288212

The Meade, Sanctuary Lane, Woodbury EX5 1EX

- 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 Stephen Taylor against the decision of East Devon District Council.
 - The application Ref 21/2232/FUL, dated 18 August 2021, was refused by notice dated 17 November 2021.
 - The development proposed is new domestic vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. Situated in the countryside, the appeal site is accessed off what the main parties agree is a sunken lane. Sanctuary Lane runs for approximately 2.6 kilometres and, as I observed on my site visit, varies in character along its length. This includes some narrow sections which are well enclosed by trees and mature, relatively high hedges while other sections, bounded by lower hedges/banks, are wider, more open and sometimes include verges and accesses to fields and buildings. The proposed access is situated within one of the narrower sections of lane and includes high, established hedges and numerous trees. Despite some of the vegetation within the proposed opening/splay area being less dense in places, it is nevertheless a markedly enclosed section of lane that significantly contributes to the enclosed character and verdant appearance of the surrounding area. Such sections form an important, positive feature of the locality and contribute to its distinctive rural character.
4. The proposed development would result in the removal of approximately 40 metres of existing hedgerow. The loss of such a sizeable length and the creation of such a break in the prominent, established hedgerow would significantly erode the enclosed character of the lane. Although a replacement hedge with native species would be provided, it would be set-back behind the visibility splay and would thus create a noticeably more open stretch of lane in stark contrast to the remainder of the enclosed section of lane. The verge, being within the visibility splay area, would also need to be kept clear of anything but low vegetation/shrubs in order to ensure sufficient visibility either side of the proposed entrance. In addition, although it could be planted quite

densely and a condition could secure details of the type and number of plants to be used, it seems to me that the replacement hedge would be likely to take several years to establish.

5. Accordingly, the proposed development would effectively create a relatively long stretch of lane with a significantly more open nature than the remainder of the enclosed section. This would harm, significantly, the character and appearance of the surrounding area and would, to my mind, also read as suburbanising what is a notably rural section of lane. In coming to this view, I have taken into account that the lane would remain sunken below the field, that accesses through hedges to fields and properties are not uncommon features in general, that no significant trees which bound the lane would be lost as a result of the proposed development, and that the replacement hedge would maintain wildlife habitat. The presence of ash trees in the hedge, which may not have long to live due to ash dieback, does also not lead me to a different conclusion.
6. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policy D1 and Strategy 7 of the East Devon Local Plan 2013 to 2031. Amongst other aspects, these set out that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed and would not harm the distinctive qualities within which it is located including important natural features which contribute to the local landscape character. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework in relation to achieving well-designed places and conserving and enhancing the natural environment.

Other matters

7. On the basis of the quiet nature of the lane and the slow traffic speeds, it has been put to me that it would be possible and safe to reduce the length of the visibility splays – and thus the length of hedgerow that would need to be removed – and still provide safe access. Be that as it may, it is not for me, under a section 78 appeal, to determine whether an alternative development would be acceptable. I have therefore determined the appeal proposal on the basis of the scheme before me.

Planning Balance

8. I have found that the proposed development would harm the character and appearance of the surrounding area. In turn, it would conflict with Policy D1 and Strategy 7 of the East Devon Local Plan 2013 to 2031. As such, I find that it would be contrary to the development plan as a whole.
9. The proposed development would provide the appellant with a private access to their property, which is currently accessed via the shared concrete yard which serves the Sunnyhay Farm dwelling and camping/caravan site, Meade Farm and the commercial orchards. It has been put to me that other works are intended in conjunction with the appeal proposal that would significantly benefit The Meade and enhance its amenity, and ultimately allow it to turn its back on the commercial uses taking place in the yard area. This includes for example erecting a fence or wall to provide a barrier between The Meade and the shared yard/driveway and which would also allow for the creation of a back

garden on the site. In addition, the proposed access would provide an additional passing place on the highway.

10. The provision of a separate private access and the works that it is said could then occur to separate The Meade from the shared yard and associated uses would benefit the appellant by improving their living conditions. However, it seems to me that separating The Meade from the shared access and yard is not necessarily contingent on the appeal proposal alone and there would be other ways to achieve the same end result. I am also mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. Consequently, I attach limited weight to the benefits that would ensue for the private interests of the occupiers of the site.
11. The main parties agree that the lane is lightly trafficked and generally involves slow-moving vehicles. In addition, I observed on my site visit that the proposed access would not be a significant distance from existing passing places in either direction. With little evidence to indicate otherwise, it seems to me that an additional passing place is therefore not obviously needed in terms of highway safety. Accordingly, the public benefits of the provision of an additional passing place on the lane also attract limited weight.
12. I recognise that the appeal proposal would result in some private and public benefits. However, as I have found above, the benefits would be limited while the harm I have identified to the character and appearance of the surrounding area, which could not be overcome by the imposition of planning conditions, would be significant. Accordingly, the harm to the character and appearance of the area and resulting conflict with the development plan are not outweighed by the benefits of the appeal proposal.

Conclusion

13. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR