

Appeal Decision

Site visit made on 4 January 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/U1105/W/21/3276272

Land To West of the B3180, Between The Existing Houses Tatry And Panorama, West Hill, Devon, EX11 1UX.

- 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 Henry Slade against the decision of East Devon District Council.
 - The application Ref 20/1618/FUL, dated 28 July 2020, was refused by notice dated 17 March 2021.
 - The development proposed is for a new two storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that with the further arboricultural information submitted there is no objection to the proposal with regards the impact to trees, with conditions recommended on this matter instead. I have therefore not considered this as a main issue for this appeal.

Main Issues

3. The main issue is whether the site of the proposed dwelling is appropriate and accessible, given its location and relevant planning policy.

Reasons

Location of Proposed House

4. The site of the dwelling as proposed is to the west of the B3180 highway to the west of the village of West Hill. There are dwellings within the area, including to either side (with the proposal described as an infill development), though the site currently is a small field.
5. The site is outside of the Built-Up Area Boundary (BUAB) of West Hill and therefore, in planning policy terms, is within the countryside. Whilst the appellant states that the site is not in the countryside due to its proximity to other dwellings and the village itself for example, in policy terms the site is in the countryside. The site may be close to the BUAB, but nonetheless it is clearly outside this designated area. This is set out in policy Strategy 7 – Development in the Countryside of the East Devon Local Plan.
6. Policy Strategy 7 also sets out that proposed development in the countryside will only be permitted where it is in accordance with a specific Local or

Neighbourhood Plan policy that explicitly permits such development. There is no such policy before me that would explicitly permit the proposed dwelling in this location, and so the proposal would be contrary to this policy.

7. It may be that these policies which seek to direct new development inside the BUAB would result in more proposals for the erection of new dwellings on residential gardens within the village, but each case that came forward would be considered on its own merits and subject to any planning policy criteria. As such, I see little benefit of developing outside of the BUAB where it is contrary to policy, to relieve development pressure inside of the BUAB.
8. The proposal is described as an infill development, with reference made to policy N3 of the Neighbourhood Plan. However, it is my understanding that this only applies to sites within the BUAB.
9. Under Strategic policy 27 of the Local Plan the settlement of West Hill is listed as a small town or larger village with some amenities to allow for development, but this policy refers again to the BUAB.
10. As stated above, there are other houses in this area, fronting onto the B3180. However, as explained above, the site is within the countryside for the purposes of local planning policy as it is not within the designed BUAB. Furthermore, this is an area with a lower density than the areas of the village that I observed that were within the BUAB. The site area has a more rural character, with low density housing interspersed with agricultural land along the B3180. Indeed, the site itself appears to be an agricultural field between houses. The proposal is therefore considered to be a new dwelling in the countryside and within a rural setting, albeit within close proximity to West Hill and its BUAB.
11. Policy TC2 of the Local Plan requires that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. There is no particular reason why this could not apply to the development of a single dwelling. Whilst closely related to the village edge and not an isolated site, it is a significant distance from the village core where most of the services and facilities are based. I also noted a lack of footpaths along the B3180 which would not encourage walking as a mode of transport. There are public rights of way, but these may not always be suitable for walking at all times, due to the surfacing or lack of lighting for example. I am not aware of any public transport links close to the site either. There would be the possibility of cycling, but the limits on walking or public transport for means of transport results in this site having sub-standard accessibility for a new dwelling.
12. The appellant suggests that the future occupiers would have an electric vehicle, but there is no guarantee of this even if there was a condition for a charging point. As such, considering the location of the proposed house, the installation of a charging point does not sufficiently address the issue of site accessibility.
13. For the reasons given above the proposed house on this site is harmful to the development strategy of the Local Plan and lacks adequate accessibility. The proposal is therefore contrary to strategic policies 5B, 7 and 27, and contrary to policy TC2 of the East Devon Local Plan.

Other Matters

14. The site is close to the Pebblebed Heaths and its European Habitat designations. The Council undertook an Appropriate Assessment and concluded that housing developments will, in-combination, have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. A form of mitigation is therefore necessary though the Council states that this development will be CIL liable and the financial contribution has been secured. Had I been allowing the appeal I would assess this issue further, but in the circumstances I have not pursued the matter as part of this appeal.

Planning Balance

15. As set out above, the proposal is not in accordance with the aforementioned policies of the adopted Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that if a proposal is contrary to the development plan it should be dismissed unless material considerations indicate otherwise.
16. Although the site is positioned outside of the BUAB and lacks accessibility, I acknowledge that there are other aspects to sustainable development. There are the other sustainable features to be incorporated, which could result in the dwelling achieving carbon negative status, with the use of PV panels and heat pumps for example. All this would be beneficial and weigh in favour for the proposed development.
17. The proposed dwelling would also contribute towards local housing supply by making use of this site for a dwelling, with the future occupiers potentially being involved with the local community. The proposed house is of a modern quality design, though I would not consider this design to be particularly outstanding or innovative. The family sized dwelling would bring some economic benefits through its construction and for the village businesses through possible support from future occupants. However, this is only a single dwelling, and so these particular benefits would be limited.
18. I note the lack of objection from the Council with regards visual or neighbour amenity, but there being no harm is neutral in the planning balance.
19. There is, though, conflict with policies of the Development Plan. The other material considerations with the benefits of the proposed development have been taken into account, particularly the 'green' credentials of the proposed dwelling itself. However, in my judgement all the benefits are not of sufficient weight to indicate a decision other than in accordance with the Development Plan.
20. Overall, I would regard the location of the development means that the proposal would not be a form of sustainable development. The conflict with the development plan housing strategy and the lack of accessibility of the proposed dwelling would significantly and demonstrably outweigh the total benefits.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR