
Appeal Decision

Site visit made on 24 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/Y1138/W/21/3281175

Land adjacent to Hill View, (road from Woodleigh Hall to Cheriton Cross), Cheriton Bishop, Devon, EX6 6JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Nickells - SAS (Europe)Ltd against the decision of Mid Devon District Council.
 - The application Ref 21/00266/OUT, dated 10 February 2021, was refused by notice dated 6 April 2021.
 - The development proposed is for one dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline permission with all matters reserved. In so far as the submitted plans and drawings show details of the proposal, I have treated those as being purely illustrative.

Main Issues

3. The main issues are (1) whether the proposal would constitute an appropriate form of development with particular regard to the provisions of local and national policy in relation to the location of the development; (2) the effect of the proposal on the character and appearance of the surrounding area; and (3) the effect of the development on biodiversity.

Reasons

Location of Development

4. The proposal is for a new dwelling in what appears currently as a small field to the east of the village. Apart from some shed type structures, the land is open and undeveloped. It appears agricultural in its use. The appellant has stated this is brownfield/previously developed land, but there is no substantive evidence of this. I would regard this site, from the evidence before me and my own observations, to be an agricultural field in the countryside. Furthermore, as was the case with the previous appeals, the site is physically and visually divorced from the nearby settlement of Cheriton Bishop, with there being a significant gap to the nearest dwelling of No 4 Hill View. The lack of footpath along the frontage of the site also indicates that the site is beyond the limits of the village.

5. The village of Cheriton Bishop is considered under policy S13 of the Mid Devon Local Plan as being suitable for limited development within the defined settlement boundaries, with a number of services and facilities present at the time of my site visit. However, the site is outside of the village and a significant distance from many of these services and facilities.
6. Being within the countryside policy S14 is particularly relevant. This states that development management policies would permit agricultural and other appropriate rural uses within the countryside, subject to criteria. Criterion A of this list relates to houses in the countryside, allowing for affordable and low cost housing, rural worker housing, and replacement dwellings, for example. The proposal is for an open market house, with no justification given which would meet the criteria under policy S14.
7. Due to the visual and physical separation of the site from the village and its services and facilities, I would regard a proposed house on the site as being isolated (not in a residential area or within the village), where there would be a likely dependence on use of the private car for transport, even with the proposed footpath link. Paragraph 80 of the National Planning Policy Framework (the Framework) sets out that decisions should avoid the development of isolated homes in the countryside, unless in certain circumstances. The proposal does not meet with any of these circumstances.
8. For these reasons, the proposal is contrary to policies S1 and S14 of the Mid Devon Local Plan, along with Paragraph 80 of the Framework.

Character and Appearance

9. The site appears as a field outside the village. It is currently well suited to the agricultural landscape to the east of the village. However, whilst this is an outline proposal, a new dwelling positioned within this field would have an urbanising effect on the rural landscape, outside of the settlement. This would be from the dwelling but also any hardstanding and external paraphernalia associated with the residential development. The dwelling would also likely be prominent within the landscape with views from the highway to the front of the site. There is no substantive evidence before me to indicate otherwise, even if the dwelling was well designed with materials to suit those traditional to the wider area.
10. For these reasons, the proposal is contrary to policies S1, S14 and DM1 of the Mid Devon Local Plan, which requires that development preserves the character of the countryside with a clear understanding of the context of the site and surrounding areas, amongst other things.

Biodiversity

11. From the evidence submitted, the proposal would include the demolition of a building and would also see the removal of the hedgerow at the site frontage. However, on the submitted 'Wildlife Trigger List' it states that neither building or hedgerow is to be removed. From the details before me, it is apparent that a 'Wildlife Report' is necessary. However, there is no substantive response to this issue from the appellant. I cannot therefore be certain as to the likely effects of the development on biodiversity, especially given that this is a site which may be important to various species, such as those within the hedgerows. On this basis, the proposal is contrary to policies S1, S14 and DM1 of the Mid Devon

Local Plan, which requires that development minimises the impacts to biodiversity, amongst other things.

Planning Balance

12. The proposal would result in an additional dwelling towards local housing land supply. I also note that Cheriton Bishop has facilities and services, which future occupants could help support. There would be some economic benefits from the construction process. The proposal is also stated by the appellant to be an efficient use of land. The Council may be able to benefit from the New Homes Bonus. I also note the benefit of providing the footpath, although this would be limited to benefiting the occupiers of the development mainly. However, as only a single dwelling is proposed, I would consider the benefits as limited.
13. I conclude that the potential benefits described above, either singularly or in combination, would attract only limited weight and, consequently, would not outweigh the harm identified in relation to the development plan conflict. The harm would significantly and demonstrably outweigh the benefits and would not be a form of sustainable development.

Conclusion

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

Mr S Rennie

INSPECTOR