



Appeal Decision

Site visit made on 10 May 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2022

Appeal Ref: APP/U1105/W/21/3289923

The Store, Greenway Lane aka Mill Lane, Awliscombe, Devon EX14 3PJ

- 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 & Mrs A & C Williams against the decision of East Devon District Council.
 - The application Ref 21/1479/OUT, dated 24 May 2021, was refused by notice dated 15 October 2021.
 - The development proposed is erection of a bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline, with all matters reserved, and I have dealt with the appeal on that basis.

Main Issues

3. The main issue is whether the location is suitable for a dwelling, having regard to the settlement policies of the development plan and the accessibility of the site.

Reasons

4. The appeal site is a roughly rectangular plot of land, lying to the southwest of the linear development that fronts the A373 as it passes through the village of Awliscombe. It is detached from the cluster of buildings around the Greenway Lane and Chinston Close junctions, which form the core of the settlement. Access to the site is gained via a narrow lane which, once beyond the frontage buildings, is lined by hedges to either side and has a distinctly rural character. The existing building on the site has a rusty tin roof and a somewhat agricultural appearance, so it assimilates quite well into its rural context. Consequently, the site has a closer visual relationship with the surrounding countryside than it does with the built form of the village.
5. The proposal is to construct a bungalow on the site. The application was made in outline, and the submitted plan merely defines the extent of the site.
6. The settlement strategy for the area is set out in Strategy 1 of the East Devon Local Plan 2013 to 2031 (the Local Plan), which was adopted in 2016. The strategy focuses major residential development to the West End of the district. Growth is also planned for seven named towns, whilst in villages and rural areas, development will primarily be focused on meeting local needs. Strategy

27 of the Local Plan identifies 15 smaller towns and larger villages that offer a range of accessible services and facilities, and have reasonable public transport. Built-up Area Boundaries are defined for these settlements, within which development will be acceptable in principle. Strategy 7 of the Local Plan defines the countryside as all those parts of the plan area that are outside the Built-up Area Boundaries or allocations. It goes on to say that 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.

7. The appellant draws attention to the supporting text at paragraph 6.23 of the Local Plan, which identifies the purpose of Strategy 7 as being to conserve and enhance the environment, the landscape, historic character and archaeological value and its wildlife, agricultural, recreational, and natural resource value of countryside areas. It is contended that a single storey dwelling would be in keeping with its context and would not conflict with these objectives, as the site does not have any landscape designation. Nevertheless, the site does lie outside the confines of the settlement, and is largely surrounded by undeveloped agricultural or paddock land. It therefore forms part of the countryside, which has an intrinsic character and beauty that should be recognised in accordance with paragraph 174 of the National Planning Policy Framework (the Framework).
8. Paragraph 6.23 goes on to say that development in open countryside outside defined boundaries will be resisted, unless on the merits of the particular case, there is a proven agricultural, forestry or horticultural need, or it will meet a community need that will otherwise not be met, or there is another clear policy justification. This is reflected in the wording of the policy. No agricultural or community need has been identified, and no development plan policies in support of the proposal have been cited. The proposal for a dwelling in this countryside location would, therefore, conflict with the settlement strategy of the Local Plan.
9. Although it lies outside the main part of the village, occupants of the proposed bungalow would have easy access to the facilities that it offers. There is a community hall, pub, primary school, and church within easy walking distance. However, there are no food shops or medical services, and very limited employment opportunities, so occupants would have to travel, on a regular basis, to higher order settlements to obtain daily necessities. There is a bus stop close to the site, but the evidence indicates that services through the village are infrequent, so it is likely that these trips would predominantly be made by private vehicles. These factors may explain why the settlement was not identified as one of the 15 smaller towns and larger villages that qualified for a Built-up Area Boundary under Strategy 27 of the Local Plan. The bungalow would not, therefore, be well related to compatible land uses so as to minimise the need to travel by car, and to secure sustainable modes of travel, as required by Strategy 5B and Policy TC2 of the Local Plan.
10. There is, however, an existing building on the site, which has a lawful use for storage and distribution. Whilst it did not appear to be in active use at the time of my visit, it does have the potential to generate traffic movements. Consequently, the net increase in private vehicle movements as a result of the development would be reduced. Taking account of the proximity of some local services, and the existing vehicle movements associated with the site, it is unlikely that the bungalow would result in a significant increase in non-

sustainable transport movements. Paragraph 105 of the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and advises that this should be taken into account in both plan-making and decision-making. In view of the particular circumstances of this case, therefore, any conflict with Strategy 5B and Policy TC2 of the Local Plan would be very limited.

11. Notwithstanding the limited conflict with Strategy 5B and Policy TC2, there remains a clear conflict with Strategy 7, which resists development in the countryside. My attention has been drawn to an appeal decision¹ at Colaton Raleigh, where the Inspector considered the interplay of these policies in allowing the appeal. There are, however, significant differences between the two cases. Primarily, the Inspector concluded that the previous appeal site sat comfortably as part of the established form of the village, in an “uncommonly centrally-located situation” next to the village shop and near to a bus stop with an hourly service. In this case, the site is detached from the settlement and visually forms part of the surrounding countryside. Furthermore, Awliscombe has no shop, and less frequent bus services. In view of these significant differences, the previous appeal carries little weight in my decision.
12. I therefore conclude on the main issue, that the site lies in the countryside beyond the village, where the settlement strategy of the Local Plan resists development unless it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. Whilst there is only limited conflict with Strategy 5B and Policy TC2, these policies do not provide explicit support for residential development in the countryside. The proposal would, therefore, be contrary to Strategy 7 of the Local Plan.

Planning Balance

13. The legislation requires the appeal to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions, and my attention has been drawn to various paragraphs in support of the development.
14. Paragraph 79 promotes sustainable development in rural areas. Whilst the occupants of the bungalow would make a limited contribution to supporting local services, this would be at the expense of a building that has a lawful storage and distribution use, so could provide rural employment. Consequently, the net benefit to the rural economy would be limited.
15. The site accommodates an existing building, so falls within the definition of previously developed land (PDL). Paragraph 120 gives substantial weight to the value of using PDL within settlements for homes. In this case, however, the site lies in the countryside, rather than within the settlement. Section 5 of the Framework encourages the effective use of small sites to support the objective of significantly boosting the supply of homes. However, the great weight to be applied to the benefits of using such sites, under paragraph 69, only applies to sites within settlements.
16. The proposal would provide economic benefits through the creation of employment during the construction process. However, the limited scale of the proposal means that these benefits would be limited.

¹ Appeal Ref: APP/U1105/W/20/3248042

17. As there is no evidence that the Local Plan is out of date due to the local planning authority being unable to demonstrate a five-year supply of deliverable housing sites, I have not applied the tilted balance set out at paragraph 11 d). Overall, the limited benefits of the proposal do not outweigh the conflict with the settlement strategy of the development plan. Paragraph 12 of the Framework says that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Conclusion

18. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR