



Appeal Decision

Site visit made on 26 May 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 June 2022

Appeal Ref: APP/J9497/W/21/3289908

Land West of Fingle House, Crockernwell, Devon EX6 6NA

- 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 SAS (Europe) Ltd against the decision of Dartmoor National Park Authority.
 - The application Ref 0093/21, dated 2 March 2021, was refused by notice dated 1 July 2021.
 - The development proposed is described as the creation of 10 dwelling houses and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There have been changes to the development plan since the Dartmoor National Park Authority (the DNPA) determined the planning application. The Dartmoor Local Plan 2018-2036 (the Local Plan) has now been adopted. This supersedes the policies in the DNPA Core Strategy (2008) and the Development Plan Management and Delivery Plan Document (2013). These details have been provided by the DNPA within their statement of case and, subsequently the Appellant has been provided with an opportunity to comment on the implications of these changes within any final comments.
3. Outline planning permission is sought with all matters reserved. I have determined the appeal on that basis.
4. Whilst, in the interests of consistency, I have used the description of development in the banner heading above to reflect that as provided on the DNPA's Decision Notice and that at section E of the appeal form, I acknowledge that the planning application described the proposed development as being for the "Resubmission of 0394/20 Proposed over 55 development".

Main Issues

5. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location with regards to Local and National Planning Policy; and,
 - The effect of the proposed development on highway safety.

Reasons

Location of Development

6. Strategic Policy 1.3 of the Local Plan guides new residential development based upon a hierarchy of local centres of population and smaller rural settlements. This spatial strategy seeks to focus development to sustainable locations and direct development away from areas of sensitivity or conservation importance.
7. The appeal site comprises land and buildings located at the periphery of Crockernwell. Crockernwell is not classified as a local centre, rural settlement or village and hamlet and, consequently, falls within the open countryside as provided for under Strategic Policy 1.3 of the Local Plan. In the open countryside outside the named settlements, new residential development is to be restricted under Strategic Policy 1.3 of the Local Plan to that serving the proven need for rural enterprises, the provision of low impact developments which are well related to larger settlements, would be necessary to sustain buildings of conservation value, is for the provision of infrastructure or is needed for National Park purposes.
8. The appeal scheme proposes ten dwellings with associated works. The Appellant has put it to me that the proposed dwellings would be marketed for those aged over 55.
9. Development of the site would extend the built form of Crockernwell into the countryside of the National Park. The appeal scheme would not serve a proven need for a rural enterprise or provide rural workers dwellings and, in light of the supporting information to Policy 3.12 of the Local Plan would not represent low impact residential development. It has not been maintained that the proposal would be necessary to sustain valued conservation assets and is not related to infrastructure. In light of the above factors, the proposed scheme would conflict with Strategic Policies 1.3 and 2.1 of the Local Plan with regards to new residential development to be located within the open countryside as defined by the development plan.
10. Within their statement of case, the DNPA also submits that the proposed development would be contrary to Strategic Policy 1.5 of the Local Plan which concerns delivering good design and Policy 3.9 of the Local Plan which sets out the requirements in relation to rural workers dwellings. However, the scheme is in outline with appearance reserved for a later stage and as such I find no conflict with Strategic Policy 1.5 of the Local Plan. Furthermore, the proposed development is not for rural workers dwellings and as such there is no conflict with Policy 3.9 of the Local Plan.
11. Notwithstanding the above conflict with the identified policies of the development plan, in essence the Appellant has put to me that the appeal scheme would represent sustainable development and that there are material considerations that indicate the decision should be made other than in accordance with the development plan in this regard. I shall return, in the planning balance below, to discuss the considerations put to me by the Appellant.

Highway Safety

12. Amongst other things, paragraph 110 of the National Planning Policy Framework (the Framework) requires safe and suitable access for development

and paragraph 111 of the Framework provides that development should only be prevented where there would be an unacceptable impact on highway safety or where the impacts on the road network would be severe.

13. Access is a reserved matter for subsequent approval. However, the County Council's Highway Officer has raised safety concerns in respect of the lack of pedestrian footways close to the site which, if it is maintained, would likely result in those on foot using the carriageway which passes through Crockernwell to the detriment of highway safety.
14. I acknowledge that as part of the final details for the scheme, a pedestrian footway could be introduced across the site and, as I observed on my visit, there is a bus stop located immediately outside the site on the opposite side of the carriageway which passes through Crockernwell. That nearest bus stop which provides services towards centres such as Okehampton and Bude would require pedestrians to cross the carriageway which, at the time of my visit had large numbers of vehicles including lorries passing through Crockernwell. Another bus stop is located on the same side of the carriageway as the site and provides services to the nearest settlement with access to services and facilities at Cheriton Bishop. However, access to that bus stop, which is located some distance away from the site, would be along the carriageway rather than by means of a footway.
15. The numbers of pedestrian movements generated by the scheme would not be significant and that access on foot to the bus stop immediately opposite the site would not be significantly harmful in terms of highway safety. Nonetheless, it is likely that pedestrians would seek to make use of the bus stop further away from the site in order to access the nearest services at Cheriton Bishop. As such, in my view, it is likely that pedestrian movements generated by the proposed development would use the carriageway in order to access that sustainable mode of transport, increasing likelihood of conflict between vehicles and pedestrians and would thereby be prejudicial to highway safety.
16. For the above reasons, the appeal proposal would fail to accord with the provisions of paragraphs 110 and 111 of the Framework with regards to safe and suitable access for all users and in respect of unacceptable impact on highway safety.

Planning Balance and Conclusion

17. As noted above, the Appellant has put it to me that the scheme would represent sustainable development, providing a number of benefits.
18. In that regard, the appeal scheme would provide some economic benefits in terms of employment during the construction phase, which would be temporary and limited, and by reason of the potential contribution new households could make to the vitality of Cheriton Bishop. The Appellant has also highlighted that the proposal would attract the New Homes Bonus.
19. It is noted that the scheme is in outline and that the proposed dwellings could be of good design, reflecting the character and appearance of housing within Crockernwell. However, this is of neutral consequence in the balance. Nonetheless, by reason of its scale, I attach moderate weight to the use of what is described within the planning application as a brownfield site, and, for the same reason regarding the scale of development, I give limited weight to

the boost to the supply of housing that would be made by the proposal. Cumulatively, I attach moderate weight to the benefits of the proposed development.

20. Against those benefits, the appeal scheme would be likely to lead to pedestrian movements that would be prejudicial to highway safety. I have concluded that the appeal site would be located in the countryside where no justification for such housing has been provided. These matters would conflict with the social dimension of sustainable development as contained within the Framework. The proposal would conflict with the spatial strategy contained within the development plan and, in that context, it would be at odds with the plan-led system to decide that a departure from the development plan was warranted by the scale and nature of the benefits the proposal would bring forward.
21. Consequently, the benefits of the scheme do not outweigh the harm in respect of highway safety or the harm to the spatial strategy that underpins the Local Plan. Accordingly, the material considerations do not indicate that planning permission should be granted, and the appeal proposal would undermine the spatial integrity of the development plan and the ability of the DNPA to deliver a truly plan-led approach to housing. In light of the above reasons, the proposed scheme could not be considered to be sustainable development in terms of Strategic Policy 1.2 of the Local Plan for which there is a presumption in favour of.
22. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR