



Appeal Decision

Site visit made on 16 May 2022

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

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/Y1138/W/21/3282638

Land between Glenthorne and Higher Shippon Development, Cheriton Bishop, Devon.

- 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 Michael Ayres against the decision of Mid Devon District Council.
 - The application Ref 21/00082/OUT, dated 19 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is the siting of one detached two bedroom dwelling situated between the property of Glenthorne and the housing development of Higher Shippon.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved. Where there are details of aspects of the proposal, I have generally considered them to be indicative only.

Main Issues

3. The main issues are whether the proposed dwelling is in an appropriate location given local development plan policy, and the effect of the proposed development on protected species.

Reasons

Principle of Development Proposed

4. The proposal is for a single dwelling adjacent to the property known as Glenthorne. The site is outside of, but adjacent to, the designated settlement boundary for Cheriton Bishop. Policy S13 of the Mid Devon Local Plan identifies a number of rural settlements designated as villages suitable for development within the defined settlement limits, including Cheriton Bishop. However, the proposal is outside the defined limits of this village.
5. Policy S14 of the Mid Devon Local Plan (LP) has regard to countryside development such as agriculture and other appropriate rural uses. Supporting text in paragraph 2.82 states that new isolated homes will be avoided in the countryside. It goes on to clarify that in the context of the LP 'isolated' refers to any location outside of a defined settlement limit. As such, this site is within the countryside and 'isolated' in the context of the LP, where it states that new homes would be avoided.

6. My attention has been drawn to the line of dwellings built to the north, but these are affordable dwellings which I understand was approved as a rural exception site. The proposal is for a market dwelling and therefore is not comparable.
7. Whilst the development would be of modest scale and the plot set between Glenthorne and the affordable housing development, it is outside the settlement limits of Cheriton Bishop and would constitute the introduction of a new dwelling on what is a largely open and undeveloped plot. The potential visual impacts may be mitigated by its location and surrounding built development, but the proposal would be harmful to the clear policy strategy of resisting new market housing outside of settlement limits, other than where they are affordable or have some other form of appropriate justification.
8. Considering the siting of the proposed development based on current planning policy and settlement boundaries, the principle of a market dwelling in this location would be contrary to policies S1 and S14 of the LP. It would also not accord with policy DM6 which relates to affordable housing in rural areas.

Protected Species

9. The site is a largely undeveloped plot which is currently quite overgrown. There are mature trees and hedgerows to the boundary. The proposal would develop the plot and create a new access. In my view, it is reasonable to consider that the proposal may affect protected species, possibly adversely.
10. There is no Ecological Survey (including a Phase 1 survey) submitted with this proposal. The appellant suggests that this can be required via condition. However, to ascertain the acceptability of the proposed dwelling on this site in regard to its effects on protected species this information is needed prior to any decision. Therefore, surveys should be carried out before planning permission is granted. Surveys should only be required by condition in exceptional circumstances, which do not exist in this case.
11. As such, the proposal is not supported by sufficient information to demonstrate that protected species would not be harmed by the proposal, thereby being contrary to policies S1, S14 and DM1 of the Mid Devon Local Plan 2013- 2033. These policies require that development preserves the biodiversity of the countryside, amongst other things.

Planning Balance

12. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
13. The proposal would provide an additional dwelling adjacent to the boundary of Cheriton Bishop, which is a village with some facilities and public transport links. The appellant has also made clear the intention to develop a dwelling of high quality design that would not be harmful to the character and appearance of the area. There could be economic benefits, such as future residents helping to support the vitality of Cheriton Bishop. The dwelling as proposed could have direct access onto the highway, with no objections raised from a highway perspective at this stage. However, as only a single dwelling is proposed the benefits would be limited.

14. Whilst acknowledging the benefits, paragraph 15 of the National Planning Policy Framework states that the planning system should be genuinely plan-led. In this case the Council have a recently adopted LP and state that they can demonstrate a sufficient amount of housing land supply. The site is outside of the settlement boundary/limit of Cheriton Bishop and so a new market dwelling in this location conflicts with policy. Furthermore, the proposal is also contrary to policies of the LP due to there being insufficient evidence to demonstrate the preservation of protected species and biodiversity at the site.
15. Overall, the proposal would conflict with policies and have adverse impacts, whilst the benefits would be limited. The benefits do not outweigh this conflict, to which I attach significant weight. There are no material considerations that indicate a decision other than in accordance with the Development Plan policies with this appeal.

Conclusion

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

Mr S Rennie

INSPECTOR