



Appeal Decision

Site visit made on 15 November 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/U1105/W/22/3303968

18 Minifie Road, Honiton EX14 1NF

- 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 Simon Lancaster against the decision of East Devon District Council.
 - The application Ref 22/0276/FUL, dated 7 February 2022, was refused by notice dated 11 May 2022.
 - The development proposed is erection of a semi-detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would make adequate provision for off street parking.

Reasons

3. The East Devon Local Plan (the LP) seeks to accommodate car parking provision commensurate with the type, size and location of the proposed development. Policy TC9 of the LP provides a guide of two car parking spaces per dwelling with two or more bedrooms. In accordance with the Policy lower levels of parking provision may be acceptable in town centres where there is access to public car parks and/or on-street parking and, in exceptional cases, where there are also very good public transport links car parking spaces may not be deemed necessary. There is no dispute between the main parties that the appeal site is outside of Honiton town centre.
4. The appeal proposal is a two-bedroom dwelling that would be constructed adjacent to 18 Minifie Road at the end of a cul-de-sac. The proposal would not be provided with off-road parking, nor would it have access to dedicated parking.
5. Minifie Road is relatively narrow with a pavement along one side. It is accessed via Northcote Lane, which is a one-way street. The limited width of the Minifie Road together with several of the existing dwellings having off-road parking bays accessed from it reduces the potential for on-street parking along it.
6. During my site visit, around mid-day on a week day, I observed a notable level of on-street parking on surrounding roads and there were some cars parked at the head of Minifie Road, with only one or two spaces available where cars could be parked without blocking existing off road parking bays. I observed a

limited number of free parking spaces along Northcote Lane, some of which were close to Minifie Road. However, these are not allocated to specific properties. Overall, this demonstrated a significant level of on-street parking pressure. I am mindful that on-street parking associated with the residential properties is likely to be much more prevalent during the evening.

7. The appellant has indicated that the appeal site is within 1000 metres of a train station, bus routes and various services and facilities. However, there is a high demand for parking on-street which indicates that residents in this area do rely on cars for day-to-day living. The lack of off-street parking within the development site would mean cars of future occupiers would need to be parked on-street which would likely only add to the congestion of parked vehicles in the area.
8. Other planning application cases, where similar considerations have been part of a decision have been brought to my attention. The full details of the cases are not before me, however, from the evidence available and observations made during my site visit, I saw that the dwelling at 15A Minifie Road has been provided with off-road parking. I noticed that there is dedicated parking available for Lee Close within an area to the west and I have no basis to consider that 6A and 6B Lee Close would not have access to the dedicated parking. I also observed off-road parking bays forward of 1 and 1A Minifie Road. Therefore, these cases are matters to which I attach limited weight.
9. The development would make inadequate provision for off street parking and as such would conflict with Policy TC9 of the LP as set out above.

Other Matters

10. The appellant has identified that the Council has not found harm from the proposed design of the scheme and that there were no objections from neighbours. He also notes that the Local Highway Authority has not commented on the proposal. Be that as it may, this does not outweigh the harm I have identified.

Planning Balance and Conclusion

11. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). As I have identified above, the proposed development would make inadequate provision for off-street parking and as such would likely lead to an increased pressure for on-street parking contrary to policy within the development plan.
12. The appellant suggests that the Council cannot demonstrate a five-year housing land supply, but the Council has not responded, and I have no substantive basis to consider it cannot demonstrate a five-year supply. Notwithstanding that, if I were to accept the appellants suggestion, paragraph 11 (d) ii. of the National Planning Policy Framework (the Framework) would apply. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
13. The adverse impacts are set out above. Set against that is the benefit of providing an additional unit. However, the provision of one additional unit

within the site would make little meaningful difference to the supply of housing and so carries only limited weight.

14. The Framework advises that developments should ensure that safe and suitable access to the site can be achieved for all users. As such, even taking account of the Framework's objective of significantly boosting the supply of housing and, even if I were to accept the appellant's suggestion that the Council cannot demonstrate a five-year housing land supply, the failure to provide adequate provision for off street parking in accordance with Policy TC9 of the LP would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
15. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR