



Appeal Decision

Site visit made on 27 March 2023

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/Q1153/W/22/3293078

Town Meadow, Bridestowe, Okehampton, Devon, EX20 4EG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Leander Developments against the decision of West Devon Borough Council (the LPA).
 - The application ref. 2957/21/ARM, dated 13 July 2021, sought approval of details pursuant to condition Nos. 2 of an outline planning permission ref. 2472/17/OPA, granted on 3 December 2018.
 - The application was refused by notice dated 21 December 2021.
 - The development proposed is the provision of up to 24 dwellings.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to the LPA's determination of the application the appellant's agent submitted amended plans. These were an attempt to address concerns that had been raised by some of those who had been consulted on the application. Amongst other things, the amended plans included a Tree Protection Plan, a revised site layout¹ (including adjustments to proposed plots 3 and 11), revised engineering details and a revised drainage layout².
3. I understand that the amended plans were subsequently uploaded onto the LPA's website. However, I note that the LPA, for whatever reason, did not reconsult the Environment Agency (EA). It is unclear to me if the LPA undertook any re-consultation, or took these amended plans into account when it determined the application³, or considered them when preparing its appeal Statement/letter. The LPA has had ample time to comment upon them.
4. The EA is an important consultee and raised an objection to the plans originally submitted with the application. As there was time before my site visit to seek the views of the EA on the amended plans, as well as time for the appellant to respond to any further comments, I afforded the EA an opportunity of commenting upon the amendments. In all other respects, the amended plans involve only minor revisions to the submitted scheme. I shall therefore take these revisions into account as it would be unlikely to prejudice the interests of interested parties⁴.

¹ Plan ref. SL.01 Rev F

² Plan ref. 02-DR-1001 Rev E.

³ The copy of the LPA's decision notice sent to me does not list those plans to which its decision relates.

⁴ I have done so, having regard to the ruling in Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982. P37].

5. In response to the EA's objection to the amended layout/drainage details the appellant has submitted an updated Floor Risk Assessment (FRA). If I was to take this updated FRA into account without affording the EA and the LPA an opportunity of commenting upon it there would almost certainly be a risk of prejudicing the interests of these and possibly other parties to the appeal.
6. As the updated FRA has been submitted at a very late stage (after my site visit), the determination of the appeal would be considerably delayed if I was to afford the EA, the LPA and others an opportunity of commenting upon it and, in turn, the appellant an opportunity of making any final comments. I have not therefore taken the updated FRA into account. I note that the EA first requested an updated FRA in September 2021. The appellant had ample time to submit an updated FRA before lodging the appeal and my site visit.
7. Conditions Nos. 4-7 (land drainage), 8 (environmental impact), 9 (landscaping), 10 (tree protection), 11 (road layout/profiles) and 14 (method of construction) on the outline consent have been discharged through applications refs. 3051/21/ARC, 1291/22/ARC and 4317/22/ARC. These matters were approved on 2 March 2022, 1 June 2022 and 13 January 2023.
8. Within its appeal Statement/letter dated 5 September 2022, the LPA informed the appellant that it would not be pursuing its fourth reason for refusal (biodiversity net gain).
9. An application for an award of costs has been made by the appellant against the LPA. This application is the subject of a separate Decision.

Main Issues

10. The three main issues are: firstly, whether the proposed development would comprise good design and the effect upon the character and appearance of the area; secondly, whether the proposed housing mix would assist in meeting local housing needs or exacerbate any imbalance in the local stock of housing and; thirdly, whether the proposal would increase the risk of flooding.

Reasons

Planning Policy

11. The development plan includes the Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) and the Bridestowe & Sourton Neighbourhood Development Plan 2016-2034 (NP). My attention has been drawn to numerous policies. The most important ones to the determination of this appeal are: LP policies DEV8 (meeting local housing need), DEV10 (high quality housing), DEV20 (quality of the built environment), DEV28 (trees), DEV35 (flood risk) and; NP policies H5 (design quality⁵) and H8 (flood risk). The appeal site lies within the settlement boundary for Bridestowe, as defined within the NP.
12. In determining the appeal, I have also taken into account the provisions of the National Planning Policy Framework (the Framework). Whilst not planning policy, I am also mindful of the planning practice guidance contained within the Government's National Design Guide (NDG).

⁵ Appendix VI of the NP comprises a Village Design Statement (VDS).

First Main Issue

13. This 1.11 ha appeal site comprises part of a larger field on the western edge of the village of Bridestowe. Hedgerows and various trees are growing along the eastern and western boundaries of the site⁶. The River Lew and Cranford Brook run to the north and east. The Church of St. Bridget lies to the north east and the cricket ground is located to the west. Access into the site is via the residential estate road at Town Meadow to the south.
14. From the evidence before me and from what I saw during my visit, Bridestowe is a thriving and somewhat compact settlement with a range of house types and sizes. In general, older terraced houses line the streets through the centre of the village with semi-detached and detached dwellings beyond. There are also some small-sized estate roads, such as Town Meadow and Cranford Close.
15. The settlement includes some single storey dwellings but the predominant type is two storey, stone or rendered houses with chimneys, slate roofs and some variation in eaves height. The layout of the older terraced houses that are set close to the edge of the highway creates a pleasing sense of enclosure and with their form, scale and appearance they comprise locally distinctive features⁷.
16. The proposed layout would include a curved shaped estate/spine road with the dwellings spread across the site and an attenuation pond adjacent to the northern edge. A track would be provided to the east of this pond to allow for maintenance. This would also allow continued farm access into the remainder of the field. A total of nine affordable dwellings (8 two bedroom houses and 1 two bedroom bungalow) would be provided. Six of these would be a pair of terraces built towards the centre of the site. The balance of the dwellings (fifteen units) would comprise open market homes (4 two bedroom bungalows and 11 three bedroom bungalows) spread across the remainder of the site.
17. The new homes would have a mix of off-street parking spaces and some garages. The dwellings would be finished in painted rendered walls with natural slate roofs. A limited number would have chimneys. Whilst the Design and Access Statement states that no trees would be removed, the appellant's arboricultural report indicates the removal of an ash tree⁸ and a rowan tree⁹. These reports also specify works to some other trees, including crown lifting and reductions in height. The proposed landscaping would include the provision of some hedgerows and new tree planting.
18. National planning policies and guidance, as well as the development plan, all recognise the importance of securing high quality design in new development. Amongst other things, development proposals should be visually attractive, be sympathetic to local character and history, and establish or maintain a strong sense of place. I note the appellant's argument that the appeal scheme follows the principles set out in the illustrative masterplan that accompanied the outline application. However, when granting consent, the LPA reserved all matters of detail (other than access) and no condition was attached requiring the development to be undertaken in accordance with any masterplan. I also

⁶ Some of the trees growing along the western boundary are the subject of a Tree Preservation Order.

⁷ Amongst other things, the VDS notes that that despite changes that occurred over the years, Bridestowe still possesses a strong sense of place.

⁸ Classified as a 'Category B' tree within the arboricultural reports. It has since been established that this has Ash Dieback.

⁹ Classified as a 'Category C' tree within the arboricultural reports. By definition, this is a tree of low quality. However, the relevant British Standard (BS 5837:2021) does not describe such trees as insignificant.

note the LPA's comment that the appeal scheme proposes a substantially different approach to that assessed and accepted at outline stage.

19. I disagree with the LPA's assessment that the proposed layout would be cramped. The submitted drawings show that garden and other spaces would be provided around the new buildings so as to avoid any sense of overcrowding. However, that is not to say that the layout would be acceptable or an appropriate response to the local context.
20. I recognise that a single point of access for a scheme of 24 dwellings on this site is almost inevitably going to result in an estate road influencing layout. In this regard, the submitted plans show a not insubstantial estate road bisecting the site. In addition, all of the 16 detached dwellings would have either a single or double garages (set back from the highway) along with driveways / parking spaces. The appearance of this road, the driveways and car parking would considerably impact upon the overall design quality of the development.
21. The parking arrangements proposed alongside the rows of terraced houses within the centre of the site would also affect the overall quality of the design. These buildings would be set back from the highway with six parking spaces in front of the houses at plot nos. 16-18. There would also be four parking spaces¹⁰ alongside the eastern flank wall of the house at plot 18 and two parking spaces¹¹ immediately to the north west of plot 16. The cumulative impact of these hard surfaces/car parking spaces would comprise a rather harsh and unattractive element within the street scene. It would also present a rather unappealing outlook for the occupiers of the houses on plots 16-18.
22. The proposed layout also shows four parking spaces and two garages on the opposite side of the street serving plots 7 and 8. Furthermore, the proposed parking arrangements at plots 21-23 would be close to bends in the estate road. Exiting the parking spaces at plots 21-23, especially in reverse gear, is likely to be a hazardous manoeuvre that could compromise highway safety.
23. The proposed layout would unduly exacerbate the impact of accommodating the motor vehicle and at the expense of creating a positive sense of place. Throughout the development, but especially in the vicinity of plots 16-21, the layout would convey the impression of a housing scheme that is dictated by the impact/presence of motor vehicles. This would not amount to good design.
24. In addition to the above, the proposed detached dwellings would have sizeable 'footprints' and all of these buildings would be single storey in height. Having such a concentration of bungalows on this site, some of which (plots 3, 4, 10, 11 & 14) would be set back from the estate road and tucked into the corners of the site, would be at odds with the pleasing attributes of Bridestowe. This would also sit uncomfortably with the VDS which, amongst other things, cautions against large areas of homogenous new development.
25. The absence of natural stone on some elevations of any of the buildings and the paucity of chimneys also fails to adequately reflect local distinctiveness. Other than the terraced houses and natural slate roofs, there is little else about the proposed street scenes to indicate that the proposed development would comprise a well-designed place that is influenced by and would positively influence the context of this site.

¹⁰ For use by the occupiers of the houses proposed at plots 19 and 20.

¹¹ For use by the occupiers of the dwelling proposed at plot 15.

26. The six proposed terraced houses by virtue of their size, height and type would be very different to the bungalows. To an extent, I agree with the LPA that these houses would be clearly distinguishable as affordable dwellings and together with their parking arrangements would not be sensitively integrated into the development as a whole. This further detracts from the quality of the overall design of this proposed housing scheme. Although the style of the proposed houses would be similar to some open market housing at Town Meadow, they would not be 'read' together or appear in the same street scene.
27. The buildings proposed at plots 1, 3, 11, and 14 would be in close proximity to important trees growing along the boundaries of the site. Accommodating these buildings requires more than necessary tree management works. Whilst very limited tree felling works are proposed, the loss of a boundary tree and the reduction in height and pruning of some others in order to accommodate the proposed siting of the buildings would be unfortunate as it would diminish the strength/quality of the perimeter vegetation¹².
28. Construction Exclusion Zones are proposed around some of the boundary trees. However, it is by no means certain that there would be no harmful disturbance to important tree roots or that all of those trees that it is intended to retain would survive the rigours of the construction phase. Insufficient consideration appears to have been given to the VDS which, amongst other things, recognises that boundary trees and hedges are an important part of the rural quality that characterises the perimeter of the village.
29. Those trees that it is intended to retain could also reasonably be expected to grow in the future and, in so doing, could be perceived by some incoming residents as a nuisance by way of overshadowing and/or deposits of tree debris across their properties. This in turn, could result in future pressure to fell more trees or undertake further works that could further diminish the contribution that these boundary trees make to the quality of the local area.
30. I have noted above that the LPA has discharged a condition relating to tree protection works. However, it is very far from certain that the scheme of reserved matters for 24 dwellings that is before me would have the least harmful impact upon existing trees. There is nothing to indicate that an alternative layout could not be achieved which provided a greater degree of separation between the boundary trees and the proposed dwellings.
31. The likely adverse impacts that I have identified to some boundary trees would not be adequately addressed by the proposed landscape works. New tree planting would be likely to take many years to establish¹³ and even then would not offset the likely erosion to the character and appearance of the area arising from works to some of the boundary trees.
32. The proposed layout and single storey nature of so many of the proposed buildings would be akin to the type of suburban housing estates that were 'bolted on' to some villages in the past and which detract from the distinctiveness and integrity of settlements. The appeal scheme would be an

¹² Amongst other things, BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' advises that a tree survey should be undertaken to inform design options and should be made available prior to any specific proposals for development.

¹³ I concur with the LPA that the planting proposed around the attenuation pond would largely be hidden from public view and would represent a missed opportunity for achieving good design.

inappropriate response to the local context and would detract from the quality of the local environment.

33. I conclude on the first main issue that the proposed development would not comprise good design and would have an adverse effect upon the character and appearance of the area. There would be conflict with the provisions of LP policies DEV10, DEV20, DEV28, NP policy H5, the VDS and the provisions of the Framework that are aimed at achieving well-designed places. The proposal would also be at odds with the aims and objectives of the NDG. This harm weighs heavily against granting permission and I consider that, on its own, this would be sufficient grounds to justify withholding permission.

Second Main Issue

34. The proposed affordable dwellings would comprise 2 bedroom units. These would assist in meeting the local community's identified need for housing. In addition, the proposed open market dwellings would increase the stock of housing within the district and accord with the Government's objective of significantly boosting the supply of homes. I note from the NP that there is a lack of smaller homes suitable for young people, as well as for older residents looking to downsize but still live within the community. Addressing the imbalance in the local housing stock is an important feature of the NP.
35. I also note from the Planning Officer's report that the LPA's Strategic Housing Officer advised that the proposed affordable dwellings would be compliant with the terms of the completed section 106 agreement for this site but requested an increase in the size¹⁴ of these units and a better mix of sizes. Although the proposed affordable dwellings would be very similar in size there is no cogent evidence before me to demonstrate that the proposed homes would be too small to help address the housing needs of the local community. Terraced houses by their very nature are likely to be very similar in size and as I have noted above, this type of housing forms part of the distinctive character of Bridestowe. The proposed pair of semi-detached houses and bungalow would add variety to the type of affordable housing to be provided on this site.
36. Whilst I have found above that such a large concentration of bungalows on this site would be inappropriate, there is evidently a need and demand for this type of housing within Bridestowe. The different types of dwellings proposed and their sizes would be very unlikely to exacerbate any imbalance in the existing local stock of dwellings. I see no reason why an alternative scheme, which was designed to a higher standard than the one before me, could not successfully incorporate some single storey dwellings as part of the development and, in so doing, help to meet the housing objectives of the LP and NP.
37. I note the findings of the Inspectors who determined the appeals on sites at Strete¹⁵ and Lamerton¹⁶ that have been drawn to my attention. However, these were for smaller and very different housing schemes to what is before me and in different parts of Devon. No two sites or proposals are exactly the same and these decisions do not set a precedent that I am bound to follow.

¹⁴ The LPA has calculated that the proposed houses would comprise 74m² of accommodation and the bungalow would comprise 72m².

¹⁵ APP/K1128/W/19/3228098.

¹⁶ APP/Q1153/W/21/3282233.

38. I conclude on the second main issue that the proposed housing mix would assist in meeting local housing needs and would not exacerbate any imbalance in the local stock of housing. The proposal would accord with the provisions of LP policy DEV8.

Third Main Issue

39. The appeal site comprises land mainly within Flood Zone 1 (low probability of flooding), as identified on maps held by the EA. These maps also show Flood Zones 2 (medium probability of flooding) and 3 (high probability of flooding) bordering or within a small section of the site¹⁷.
40. The outline application was accompanied by a FRA and Drainage Strategy dated May 2018. Amongst other things, this report/strategy identified a small part of the site within Flood Zone 3 and stated that all development would remain outside of Flood Zone 3.
41. Amongst other things, national and local planning policies require new development to be located where it will not increase the risk of flooding. The Framework also states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3 and for proposals involving sites of 1 ha or more in Flood Zone 1.
42. I note that in preparing the appeal scheme the appellant has sought and obtained the views of Devon County Council as Lead Local Flood Authority. I have also noted above that the LPA has discharged the land drainage conditions that were attached to the outline permission.
43. The revised layout has been adjusted in respect of plots 3 and 11 in an attempt to ensure that each dwelling is located within Flood Zone 1. The appellant has also stated that it is intended to raise the existing ground levels for properties in the vicinity of Flood Zones 2 and 3.
44. However, as advised by the EA, since the 2018 FRA was prepared the flood risk guidance in the Framework as well as climate change allowances have been altered. As a consequence, the 2018 FRA is now considered to be out of date.
45. A new or updated FRA is required. Amongst other things, this needs to consider the latest climate change allowances on fluvial flooding in setting the design flood levels and/or the site layout. It also needs to demonstrate that the proposal would be safe from flooding over the 'life time' of the development. On the basis of all of the information that I have been able to take into account, it is not evident that this has been undertaken. As a consequence, I am unable to rule out the possibility that some of the proposed dwellings, including their gardens, could be within the flood risk area.
46. It is entirely possible that this issue has been addressed within the appellant's updated FRA. However, I have already explained why I am unable to take this document into account. This matter could not be dealt with by way of a planning condition as a new/updated FRA could involve more than minor amendments to the layout which has already been revised since the reserved matters application was submitted. The cumulative effect of minor revisions could amount to a significant change.

¹⁷ As explained by the EA, the maps it holds are for consultation purposes only and do not provide a detailed assessment of flood risk/hazard at site level.

47. I conclude on the third main issue that in the absence of an up-to-date FRA, which the EA, as well as other parties that have an interest in flood issues, has been able to consider, there is a danger that the proposed development could increase the risk of flooding. The proposal conflicts with the provisions of LP policy DEV35, NP policy H8 and the provisions of the Framework that are aimed at meeting the challenge of climate change and flooding.

Other Matters

48. I note from the Appeal Questionnaire that the LPA considers that the proposal would not affect the setting of any listed building¹⁸. Perhaps unsurprisingly therefore, the appellant has not presented any detailed evidence on this matter. However, during my visit, it was evident to me that the appeal site lies within the setting of the circa 15th century grade II* listed Church of St. Bridget. The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore engaged.

49. There is nothing of substance before me to assist in discharging the above noted statutory duty. In particular, there is no report describing the significance of the Church of St. Bridget, including any contribution made by the appeal site and the likely impact of the proposed reserved matters upon the significance of this designated heritage asset. As this building is recognised as being of more than special interest Historic England may also wish to express a view on the proposals. Whilst my decision does not turn on this matter, had I not reached the conclusions above in respect of the first and third main issues, it would have been unsound for me to have proceeded.

50. I note the concerns of some interested parties regarding traffic, including vehicles which would be attracted to the site during the construction phase. As this is an appeal in respect of reserved matters and where access has already been assessed and approved, it is not within my remit to consider this matter any further. However, I note that the construction route is intended off the old A30 and via adjoining land rather than through Town Meadow.

Overall Conclusion

51. My findings above in respect of the second main issue do not overcome or outweigh my findings in respect of the first and third main issues. The proposed development, as shown through this scheme of reserved matters, would be at odds with the overall provisions of the development plan and the Framework as a whole. The appeal should not therefore succeed.

Neil Pope

Inspector

¹⁸ The LPA has also informed me that the site is adjacent to the Bridestowe Conservation Area (BCA). I note that the Church of St. Bridget lies within the BCA.