
Appeal Decision

Site visit made on 29 November 2022

by J Ayres BA Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15th May 2023

Appeal Ref: APP/Q1153/W/22/3299435

Land at easting 245835, northing 086831, Land to the north of Jethro's, Lewdown

- 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 John Mulley of Viburnum (SW) Limited against the decision of West Devon Borough Council.
 - The application Ref 3210/21/OPA, dated 2 July 2021, was refused by notice dated 3 March 2022.
 - The development proposed is development of 15 No light industrial units with access road, parking and external works.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The proposal was made in outline with access, layout and scale to be determined. Reserved matters relating to design and appearance are not before me for consideration.

Main Issues

3. The main issues are;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the appeal site is in a suitable location for the proposal, having regard to relevant development plan policies and its accessibility; and
 - Whether the appeal site would support the rural economy.

Reasons

Character and appearance

4. The appeal site is a gently sloping field enclosed by existing hedgerows, Devon hedge banks, and by timber post and rail fencing. There are dwellings and the primary school to the west, and the disused Jethro's site is on the opposite side of the road. To the north of the site the land is open with some agricultural buildings located in the fields beyond. The site does not lie within a designated landscape, however the surrounding area is generally open and expansive, with the openness of the site relating comfortably to the built form of Lewtrenchard

and the more open countryside beyond. The land undulates and rolls, allowing far-reaching views over the countryside towards Dartmoor National Park, with sporadic development interspersed amongst the rolling topography.

5. The site layout illustrates two, split rows of units (in an east-west orientation) with an access road and parking areas located in the space between the buildings. This would introduce a significant level of development to the site which would decimate its open quality, and this would be exasperated by the associated hard landscaping, the cumulative effect of which would be to urbanise the site to a level entirely out of keeping with the area. Furthermore, the indicated uniformity of the layout and the scale of the buildings would result in an industrial character that would dominate the landscape and fundamentally harm the peaceful quality of the site. The level of industrial built form would fail in its entirety to respect the tranquillity of the surrounding area.
6. Suggestions that increased planting would provide visual screening would not overcome the fundamental harm that would be caused to the character of the site through the introduction of the scale of development proposed. Furthermore, the topography of the site is such that any mitigation could only partly hide the sprawl within the site. Moreover, the need for such level of screening simply confirms that the level of development proposed would create an alien and incongruous development that would decimate this section of the landscape.
7. I find that the proposal would be harmful to the character of the site, it would introduce a disproportionate level of development which would fail to respect the more natural evolution of built form in the area.
8. It would therefore conflict with Policies DEV20 and DEV23 of the JLP, which collectively require development to meet good standards of design that respects and responds to the West Devon character in terms of its settlements and landscape, and to ensure that development will conserve and enhance landscape character, and scenic and visual quality. Due to the level of harm, the proposal would also fail to accord with the provisions of paragraph 174 of the National Planning Policy Framework, which require development to contribute to and enhance the natural and local environment.

Location of development and accessibility

9. A number of overarching policies in the Plymouth and South West Devon Joint Local Plan (JLP) set the context for what the council considers sustainable development in the plan area (Policies SPT1 and SPT2). Policy TTV1 sets out the hierarchy of settlements which are to receive proportionate amounts of growth over the plan period.
10. Under the JLP, Lewdown is listed as a 'Sustainable Village'. Such villages are acknowledged to provide a limited number of facilities, but are considered appropriate to accommodate development to meet locally identified needs to help sustain their limited services and amenities. The preamble to Policy TTV1 explains that the JLP does not define settlement boundaries, and that development outside of the built up areas will be considered in the context of Policy TTV26. Accordingly, for the development to be considered acceptable in the context of Policy TTV1, it must be a part of the built up area of the village.

11. Lewdown is a largely linear settlement. The smaller satellite part of the settlement at Lewtrenchard falls outside of, and to the east of the main built limits of the village. Lewtrenchard includes the primary school, a cluster of dwellings and 'Jethros'. The eastern extent of the Lewtrenchard satellite settlement is defined by the eastern edge of 'Jethros' and 'Myrtle Cottage'; both of which fall within the 40 mph speed-restricted area.
12. Whilst it does not strictly form a part of the historically main area of Lewdown, the appeal site is within the built up area of the satellite settlement of Lewtrenchard. Whilst this in itself is not a 'Sustainable Village' under Policy TTV1, I am referred to examples where the Council has previously regarded it as part of Lewdown, given the interconnectivity and shared facilities between the two, which seems logical and consistent. In my view, whilst the appeal site falls outside of the immediate area of Lewdown, it is experienced within the smaller settlement area of Lewtrenchard, which are interdependent on each other for facilities and services.
13. Once past the site and through the traffic signs indicating the end of the speed restrictions, the road has a far more rural, agricultural character with only individual or clustered dwellings dotted along either sides of the road. Development is considerably more sporadic and the character of the area becomes far more bucolic.
14. The site is within walking distance of the facilities at Lewdown, along a pavement that is served by street lighting and within the 40mph zone. The appeal site is served by a bus route, with an official bus stop being in close vicinity. The bus route provides access to the villages between Bude and Okehampton, and passes along the route several times a day. The National Planning Policy Framework identifies that sustainable transport solutions vary between urban and rural areas. Having regard to the rural area generally it is plausible that some would use a private vehicle to access the site. However, it would be possible to access the site via other modes of transport, particularly for those living within the area or nearby villages.
15. There are a number of new developments taking place in Lewdown, and the satellite Lewtrenchard. I note the thrust of the JLP in respect of directing development within the hierarchy of settlements. However, the JLP also identifies that at the heart of the plan's economic policy is a drive for business to grow and for new businesses to locate in the plan area. This is pertinent having regard to the fact that Lewdown and Lewtrenchard, are both experiencing substantial levels of growth. Accordingly, it is reasonable to look to ensure that small scale employment opportunities are provided on a local basis to encourage residents to live and work within the area.
16. Accordingly, I find that the appeal site would be a suitable location having regard to Policies SPT1, SPT2, TTV1 and TTV2 of the JLP which seek to reinforce a sustainable settlement hierarchy and support the growth and expansion of rural businesses and enterprise. It would also comply with paragraph 105 of the National Planning Policy Framework which seeks to actively manage patterns of growth.

Whether the proposal would support the rural economy

17. I have found that the proposal would meet a local need. Policy DEV15 of the JLP supports the improvement of the balance of jobs within rural areas. Whilst I

have assessed the proposal in accordance with policy TTV1 I will now go on to consider the application of Policy DEV15 for completeness. Having regard to the evolving development within the area, the provision of 15 units and their long term use of the buildings would be likely to provide small scale employment, both for people within the area and for those coming to the site from surrounding villages.

18. Having regard to the point of access being onto a straight section of road with a restricted speed limit I am satisfied that, subject to conditions, it would be possible to secure safe access to the existing highway network for users.
19. I have found that it would be possible to utilise alternative modes of transport to access the site and therefore opportunities could be taken to reduce reliance on the private vehicle. Nevertheless, being mindful of the rural nature of the area, the existing use of the site, working patterns, and individual needs, it would be reasonable to assume that there would be an increase in the number of trips requiring the private car. Accordingly, it would be necessary to demonstrate how traffic impacts would be mitigated through the use of a travel plan, such a mechanism could reasonably be secured by way of planning condition.
20. I have found that the proposal would result in a significant level of harm to the site and surrounding area. Accordingly, I find that the proposal would not demonstrate a positive relationship with existing buildings. I do not consider the site to be isolated insofar as I consider it to be within the satellite settlement of Lewtrenchard. However, I have found that the level of development proposed would result in an incongruous and contrived scheme.
21. In my reasoning I have considered the expansion of Lewdown and Lewtrenchard, and the benefits of providing small scale opportunities for residents, both current and future, to work and live within the area.
22. Whilst elements of the scheme have been demonstrated to comply with Policy DEV15, I find that the scheme would conflict with the crucial element policy DEV15 of the JLP requiring new development to have a positive relationship with existing built form.

Other matters

23. I have had regard to the appeal decision¹ put before me regarding a site at Alder Farm. Whilst there are similarities between the two appeals, I have found that the proposed level of harm in this scheme would result in significant harm, whereas the proposal in the Alder Farm scheme was more in keeping with the rural nature of the site. In any event I have determined this appeal on its own merits.

Planning Balance and Conclusion

24. I have found that the proposal would result in significant harm to the character of the appeal site and surrounding area, accordingly it would conflict with the development plan when taken as a whole. Whilst I have found the location of the site to be suitable, I do not consider that this, or the other matters referred to in support of the appeal scheme, would overcome the conflict with the development plan when taken as a whole.

¹ APP/Q1153/W/21/3278604

25. Accordingly, for the reasons above I conclude that the appeal is dismissed.

J Ayres

INSPECTOR