



Appeal Decision

Site visit made on 11 April 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/X1118/W/22/3305306

Lane Head Cottage, 2 Moor Lane, Croyde, Devon EX33 1NN

- 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 Ian MacDermott against the decision of North Devon District Council.
 - The application Ref 74800, dated 6 February 2022, was refused by notice dated 5 April 2022.
 - The development proposed is described as: 'outline application for a single dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved at this stage. Therefore, I have treated the drawings showing the details of layout and access as indicative only.
3. On 27th April 2023, the Council published an updated position on its current 5-year housing land supply. A position statement has been submitted detailing this. Although this comprises new information, that was not submitted in accordance with the timetable, it is clear from the statement's publication date that it would not have been possible for the Council to have provided the evidence when they submitted their full statement of case. This information is material to the determination of the appeal, and it is reasonable to accept it for consideration, given that it was not available when appeal statements were due. The appellant has been given an opportunity to comment.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site contains a bungalow set within spacious grounds and located at the corner of Moor Lane and Stentaway Lane.
6. The northern frontage of Moor Lane, to which the appeal site partly relates, consists of dwellings set back and elevated above the road. The intervening spaces between the dwellings and the highway boundary are characterised by spacious front gardens containing shrubs, trees and lawns. These intervening

areas between the houses and the road provide an attractive and spacious setting that makes a positive contribution to the character of the street, and to some extent, the overall scenic qualities of the North Devon Area of Outstanding Natural Beauty (AONB). Furthermore, the elevated position of the dwellings and their associated front gardens above the road, provide passers-by, with an enhanced perspective of the street's visual quality. This is particularly the case with the appeal site, considering its prominent corner location, from where its spacious, landscaped frontage can be seen.

7. Stentaway Lane, which runs along the appeal site's eastern boundary, contains a line of dwellings running along its western flank and to the north of the appeal site. The road has a more rural character due to the pastoral fields to the east of the dwellings and the presence of thick mature landscaping, along property frontages.
8. Although layout details are not being considered at this stage, it would be both expected and logical, given the presence of the existing bungalow, and its associated parking, turning and amenity space, to position the proposed dwelling in the north-eastern half of the site. This roughly triangular area of land tapers and reduces in width to its side, front and rear boundaries.
9. A modest-to-standard size dwelling would encroach into the attractive undeveloped space to the side of the host dwelling and likely, given the available space, be positioned close to the appeal site's boundaries. This would have the effect of harmfully eroding the host dwelling's attractive undeveloped garden setting. Moreover, a new dwelling would, due to the tapering site area, appear somewhat physically constrained within the plot and be devoid of the same sense of surrounding space that is a distinctive feature of properties in the street. From public vantage points along Moor Lane and Stentaway Lane the proposal, in combination, with the adjacent host dwelling, would appear to increase the intensity of development on the site and unacceptably detract from the site's spacious qualities that positively contribute to the street's character.
10. It is acknowledged that additional planting along the plot's roadside boundary would soften the proposed built form. However, it would not totally mask its encroaching presence upon the site and proximity to the site's boundaries given its elevated, and therefore prominent, position above the road.
11. The indicative layout drawing provided shows an example of a proposed dwelling having a footprint of approximately 99m² and set within a 480m² plot. Whilst this demonstrates that a dwelling could be proportionate in context with the plot's overall ground area, it does not nevertheless account for the plot's tapering profile and the ability for a dwelling to assimilate with the local character. Similarly, whilst the proposal could likely accord with the nationally described space standard¹, those specifications relate to room sizes rather than a dwelling's physical relationship within its plot and surrounding area. I have therefore given that document as well as the proposal's footprint-to-plot ratio limited weight.
12. Taking the above into account, the proposed development would have an unacceptable effect on the character and appearance of the surrounding area. It would fail to accord with the requirements of Policies ST04, DM04 and DM08

¹ Technical housing standards - nationally described space standard, 27 March 2015.

of the North Devon and Torridge Local Plan and Policies H5 and BE1 of the Georgeham Neighbourhood Plan, which together require proposals to respect and protect local character and distinctiveness, the appearance of the surrounding streetscape and density, and the special and scenic qualities of the North Devon Area of Outstanding Natural Beauty.

Other Matters

13. The Council's decision included a refusal reason relating to the absence of a legal agreement to control the occupancy of the proposed dwelling to ensure it remains a principal residence. The Council favours this approach, over a planning condition, as it would place a restriction on the land ownership title, something a condition could not control. The appellant is willing to enter into such an agreement, yet I do not have the full details of that document before me. In any case, even if I had an acceptable planning obligation before me, it would not overcome the harm I have identified in relation to the scheme's effect on the area's character and appearance.
14. A further refusal reason relates to the absence of a planning obligation or direct payment made to the Council to address the effect of new development on increased recreational activity within the sensitive Brauton Burrows Special Area of Conservation (SAC).
15. However, and notwithstanding the appellant's agreement to address the matter, as the main issue provides a clear reason for dismissing the appeal, there is no need for me to consider the implications of the development on the integrity of the SAC or the provisions of the Conservation and Habitats and Species Regulations 2017 (as amended), since my findings on that issue would not change the appeal outcome.
16. It is acknowledged that the proposal would increase, albeit modestly, the supply of local housing. Yet, minor benefits associated with this would not outweigh the significant harm I have found in respect of the area's character and appearance.
17. The Council has updated its housing projections since the appeal was submitted and confirm that they have 5.9 years of deliverable housing land supply. Therefore, the presumption in favour of sustainable development is not engaged².

Conclusion

18. For the reasons given above, the proposal would be contrary to the development plan as a whole. There are no material considerations, including the Framework, which indicate that I should take a decision otherwise than in accordance with the development plan in this case. Therefore, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR

² Paragraph 11, National Planning Policy Framework, 2021