



Appeal Decision

Site visit made on 26 May 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/Q1153/W/22/3306164

Axtown Lodge, Green Lane, Axtown, Yelverton PL20 6BW

- 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 Guy Leisching against the decision of West Devon Borough Council.
 - The application Ref 0811/21/FUL, dated 8 February 2021, was refused by notice dated 1 March 2022.
 - The development proposed is single storey new build dwelling associated enhanced landscaping including additional Devon bank provision and tree planting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Plans were submitted with the appeal showing an alternative access arrangement. Where amendments are proposed, regard should be had to the 'Wheatcroft' principles (Wheatcroft Ltd V SSE, 1982) - including whether the amendments would materially alter the proposal and whether anyone who should have been consulted would be deprived of that opportunity. Given the scale of the proposal, the access is a relatively sizable and integral component and, thus, changes to it would be material. As such, I consider that taking the amended plans into account could result in prejudice to other parties and I shall therefore determine the appeal on the basis of the originally submitted plans.
3. A signed unilateral undertaking was received from the Appellant to address potential effects on the Plymouth Sound and Estuaries Special Area of Conservation (SAC). Whilst I deal with this matter below, the Council has accepted that this overcomes the fourth reason for refusal. Consequently, this has not been treated as a main issue.

Main Issues

4. The main issues are:
 - whether the location of the development accords with local policies that seek to maximise accessibility to services and facilities and reduce the dependency on private vehicles;
 - the effects on the character and appearance of the area, including whether it would conserve the Tamar Valley Area of Outstanding Natural Beauty (AONB); and
 - whether the proposal would provide sufficient carbon reduction measures.

Reasons

Context

5. The appeal site comprises a paddock which gently slopes towards the north and west, currently in use for horse grazing with an adjacent stable block and sand school to the west. In its wider context, the site is situated within a cluster of dispersed dwellings along Green Lane, which as the name suggests, is very green with substantial hedges and trees enclosing the relatively narrow road.
6. The proposal seeks to construct a single storey, 3 bed dwelling with a mono-pitched roof, set into the land along the southern edge of the site. It would be provided with an access from Green Lane. Much of the land also in the ownership of the Appellant would be landscaped with substantial numbers of trees and with the sand school also being returned to grass.

Location of development

7. The current development plan includes the *Plymouth and South West Devon Joint Local Plan* (2019) (JLP). Policy SPT1 of the JLP sets out the high level strategic objectives for the plan area in economic, social and environmental respects. Policy SPT2 concerns the creation of neighbourhoods and communities and indicates that, amongst other things, they should have access to a vibrant mixed use centre, which meets daily community needs for local services and are served by public transport, walking and cycling opportunities.
8. The hierarchy of settlements is set out in JLP Policy TTV1 with the largest settlements to receive the highest proportions of growth, with smaller villages, hamlets and the countryside being where only limited development will be permitted where it would support the principles of sustainable development and sustainable communities, as also provided for by Policy TTV26 and TTV27. Policy TTV2 sets out the further priorities for rural sustainability.
9. In my view, Axton is best described as a hamlet. It has no facilities of its own, but there are at least a cluster of dwellings along Green Lane, Moorland Court, Old Crapstone Road and Axtown Lane that together identify the presence of a small rural settlement with a loose-knit built form.
10. The closest settlements of Yelverton and Crapstone, respectively some approximate 1.6km and 2.4km by road from the site, are not defined by the JLP as Sustainable Villages and thus, can only be considered to be smaller villages that fall within the fourth tier of settlement where the least development will be permitted. They each host a limited number of basic facilities, but to reach them would be well beyond the optimum travel distances of 800 metres which the supporting text to Policy SPT2 offers as a gauge as to whether or not a site can be considered sustainably located. Furthermore, the distances and nature of the roads and public rights of way to either of these settlements would not be conducive to regular trips on foot or bicycle as an alternative to the car.
11. A number of appeal decisions¹ relating to either the site or others nearby indicate that the site is not strictly 'isolated' when considered in the context of the earlier Braintree caselaw. I seek to differentiate from views expressed about the reasonable accessibility of the site in terms of access to services and

¹ Including APP/Q1153/W/ 16/3145211, APP/Q1153/W/18/3194430 and APP/Q1153/W/18/3194516

the findings in relation to the current planning policy context. The earlier appeal decisions were made before the adoption of the JLP which has updated the spatial strategy for the area and provided clarity on how proposals in smaller villages, hamlets and the countryside should be adjudged. The JLP requires more than reasonable access via car journeys to relatively sparse local services and limited public transport services as could be offered from the appeal site, and it is against this current policy context and the Bramshill judgement² that my view has been reached.

12. Policy TTV26 concerns development in the countryside and the first part of it is not relevant given that the site is not considered strictly isolated. The proposal would not offend any requirements of the second part of the Policy but would not receive support based on specific accordance with it either.
13. The Appellant indicates that the proposal would provide a 3 bedroom dwelling which would help redress an imbalance in the local housing stock, as required by JLP Policy DEV8 and as acknowledged in the Council's Housing Crisis³ declaration and the JLP Supplementary Planning Document⁴. Collectively, these documents highlight that there is generally a greater need for 1, 2 and 3 bedroom properties that are more inherently affordable than detached dwellings with four or more bedrooms that make up a large part of the housing stock in West Devon and which are generally under-occupied.
14. The generously proportioned dwelling built to a high-specification and within such an expansive area of garden and land is unlikely to meaningfully address the imbalance in the housing stock. Furthermore, as confirmed by the Council's pre-application advice, in order to otherwise meet an identified local need in perpetuity in accordance with Policy TTV27, a planning obligation would be required. An obligation of this nature has not been submitted. Similarly, whilst the proposal is promoted as a self-build dwelling and the Appellant's intentions in this regard may be genuine, there could be no guarantee of this outcome as planning permission runs with the land.
15. Consequently, the location of the development conflicts with, in particular, JLP Policies SPT1, SPT2, TTV1 and TTV2 that seek to maximise accessibility to services and facilities and minimise dependency on private vehicles.

Character and appearance

16. The site is currently undeveloped, relatively open and benefits from varying degrees of screening from hedgerows and trees around its boundaries, other than for the north-western extent of the site which is presently undefined. In visual terms, some views of the site are available from Green Lane and other longer views are achievable from Crapstone ridge, to the south of the settlement of Crapstone. Whilst aesthetically pleasing, the site does not appear to have any particular features for which the AONB landscape was designated.
17. The proposal would result in the construction of a detached single storey dwelling with a green roof, cut into the profile of the land so as to minimise its overall height. It would have a relatively expansive footprint when considered in comparison with neighbouring dwellings which are of mixed character and,

² City and Country Bramshill Ltd v SSHLG and others [2021] EWCA Civ 320

³ Housing Crisis Motion declared at meeting on 15 February 2022

⁴ Plymouth & South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document (July 2020)

with the exception of 'Martins Meadow' would have one of the largest curtilages.

18. The introduction of built form on this relatively open, spacious expanse of pastureland would result in the urbanisation of the site which would be detrimental to its rural character and its openness. Though the dwelling itself would be set low in the landscape, positioned similarly to dwellings in an easterly direction along Green Lane and of a modern high quality design and finish, these attributes would not offset the unavoidable consequence of adding a building with its associated hard landscaping and associated paraphernalia to a site where none exists at present. This harm would be exacerbated by the creation of an opening in the site's frontage, detracting from the enclosure and rural character of Green Lane.
19. I have given consideration to the submitted Landscape Appraisal Report (LA Report) which concludes that the development would have an overall small negative/neutral effect on landscape character and from most viewpoints assessed, would have a minor negative visual effect. The LA Report focusses on the landscape mitigation, including the planting of a substantial number of trees throughout the site itself, to conclude that the impacts can either be neutralised or made positive. In addition to the tree planting and creation of Devon banks within the site, the sand school would be grassed over and the design of the dwelling would incorporate both a green roof and a green wall.
20. Given the general absence of tree cover within the site, the density of planting proposed and its more manicured distribution on the site around the curving, spacious landscaped garden would be at variance with the existing character of the site and the more logical and linear tree lines or wooded areas that occur within the landscape. Furthermore, the landscaping would take some time, i.e., at least five years, to establish to a height that could offer meaningful screening and even then, the predominance of native species would lose leaf cover over the autumn to reveal more of the dwelling and its associated paraphernalia for around half of the year.
21. By reason of the urbanising effects of the proposal, incapable of being entirely remedied by the introduction of deliberate landscaping, the proposal would be harmful to the character and appearance of the area, contrary to Policy DEV23 of the JLP which seeks for development to be located and designed to respect scenic quality and reinforce local distinctiveness.
22. Whilst I note that the site may contribute little to the reason for designating the AONB, and that the AONB Advice Officer may not consider the proposal harmful, my view is that there would be incremental harm to a part of the AONB landscape, thus, the proposal could not truly be held to conserve its landscape quality or be led by the *Tamar Valley Area of Outstanding Natural Beauty Management Plan* (2019-2024). The proposal therefore conflicts with JLP Policy DEV25 which, consistent with paragraph 174 of the National Planning Policy Framework (the Framework), requires that great weight is given to conserving landscape and scenic beauty in the protected landscapes.

Carbon reduction measures

23. In its pursuit of a low carbon future and an ambition to halve carbon emissions from 2005 levels by 2034, JLP Policy DEV32 requires consideration of opportunities to minimise the use of natural resources in the development over

its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction.

24. The Council has indicated that a planning condition would be capable of securing such measures prior to commencement of the development. As a result, subject to a planning condition, the proposal would satisfactorily secure carbon reduction measures to accord with Policy DEV32 of the JLP.

Other Matters

25. The submitted unilateral undertaking seeks to provide a financial contribution to mitigate the potential effects from additional recreational demands on the SAC through the *Plymouth Sound and Estuaries EMS Recreational Mitigation and Management Scheme* (2019). However, as the circumstances that could have led to the granting of planning permission are not present, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an appropriate assessment under the Conservation of Habitats and Species Regulations 2017.
26. I note that the proposal would be capable of avoiding harm to any protected species and, with planning conditions, could introduce a range of biodiversity enhancements, primarily through landscaping but also through measures such as bee bricks, bat/bird boxes and a sensitive external lighting scheme. The enhancements attract limited weight in the overall balance.
27. The evidence refers to the Council being capable of demonstrating an adequate supply of housing land at the present time, sufficient to meet the minimum requirement set out in the Framework of at least five years' worth with the relevant buffer. This point does not appear to be disputed and indicates that there is no reason for the key policies to be regarded as being out of date.

Planning balance and conclusion

28. By reason of its location and effects on the character and appearance of the area, the proposal conflicts with the development plan when taken as a whole.
29. The public benefits of the scheme include the provision of a modest contribution to the housing stock and economic benefits relating to the construction phase. These benefits are capable of attracting modest weight. The biodiversity enhancements and eventual partial greening of the site through landscaping also attract limited weight in favour of the scheme.
30. However, the sum of the public benefits does not outweigh the identified harms and nor are any other considerations advanced that indicate that a decision should be made otherwise than in accordance with the development plan.
31. For the foregoing reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR