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# Appeal Decision

Site visit made on 28<sup>th</sup> March 2023

**by J Hills MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 June 2023**

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**Appeal Ref: APP/W1145/W/22/3308069**

**Land at Sitcott, St Giles on The Heath, Devon PL15 9SE**

- 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 Mrs Natasha Hulme against the decision of Torridge District Council.
  - The application Ref 1/0214/2022/OUT, dated 22 February 2022, was refused by notice dated 21 April 2022.
  - The development proposed is construction of dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I note that the appeal is made in outline with all matters reserved for later consideration. Therefore, I have assessed the appeal on this basis.

## Main Issues

3. The main issues are (i) whether the site is a suitable location for the proposed development having regard to the provisions of local and national policy and its accessibility to services and facilities; (ii) the effect of the proposal on highway safety; and (iii) drainage.

## Reasons

### *Location of development*

4. The site is of a generous size and positioned within a cluster of other properties. This cluster comprises a small settlement approximately 600m from a village that has a primary school, post office, pub and bus stops. However, the settlement the site lies within does not have any services or community facilities of its own. With reference to paragraph 80 of the National Planning Policy Framework (the Framework), the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Therefore, the site is not "isolated".
5. Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (LP) sets out the strategy for development in the countryside, which is defined as areas beyond local centres, villages, or rural settlements. In the countryside, amongst other things, support is provided for local needs housing adjoining rural settlements with at least one community facility. Beyond these areas, development is limited to meet local economic and social needs, and development necessarily restricted to a countryside location. Policy ST21 of the LP supports proposals outside defined settlements in circumstances where housing completions fall below 90% of the

annual requirement. However, since issuing their decision, the Council has confirmed that they have a 5.9 year housing land supply which the appellant does not dispute. This indicates a supply of housing such that the proposal does not conflict with this policy. Paragraph 79 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby.

6. In this case, the settlement has no services or community facility and nor is it suggested that this is a local needs scheme. I acknowledge the proposal would meet the personal needs of the appellant, providing them with the possibility of their children attending a closer primary school and an option to work from their own home. My attention has been drawn to the need for affordable housing in the locality, but no mechanism has been suggested for the dwelling to remain affordable. It has not been demonstrated that the proposal would meet local economic or social needs, nor does the development need to be restricted to a countryside location, as required by Policy ST07 of the LP.
7. Access from the site to the village and its services and facilities would be gained via a rural lane before negotiating a long stretch of an unlit and unpaved section of the busy A388, where I observed opportunities to walk on the grass verge to be very limited. Despite the proximity to the school, and the possibility future occupants could reduce their need to travel through remote working, this route would nevertheless not be an inviting option for pedestrians or cyclists to have to navigate, particularly in the dark or during inclement weather conditions. As such, future occupants would be likely to be largely dependent on private vehicles for access to services and facilities at the nearest village and local centres beyond to meet their day-to-day needs.
8. I therefore conclude on this main issue that the site is not a suitable location for the proposed development having regard to the provisions of local and national policy and its accessibility to services and facilities. For the above reasons, the development would be in conflict with policies ST07 and ST10 of the LP, where Policy ST10 seeks to reduce the need to travel by car. There would also be conflict with chapter 9 of the Framework which, amongst other things, gives priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport.

#### *Highway safety*

9. Policy ST10 sets out the transport strategy which makes reference to meeting the needs of local communities by protecting and enhancing the function and safety of the road network and reducing the need to travel by car. Notwithstanding the proposal is in outline with all matters, including access reserved for later consideration, the Framework says that in assessing applications for development it should be ensured that a safe and suitable access to the site can be achieved for all users, and I have made my decision on this basis.
10. The existing access off the A388 currently serves a number of properties, including the appeal site where the appellant advises that they make daily visits to attend poultry, which, based on my observations on site, does not appear unreasonable. Furthermore, the appellant's claim that 'crashmap' records show that there have been no serious accidents in this area is not disputed by the main parties. Even so, the proposed development would introduce a use that is more likely to increase the number of trips made by private vehicles above those currently made.

11. Visibility splays at the junction of the existing access with the A388 which, subject to the national speed limit, fall some way below the guidance laid out in the Design Manual for Roads and Bridges. Furthermore, insufficient land has been identified either side of the access to demonstrate there could be a suitable option to provide sufficient visibility splays if I were to allow the appeal. Although the bend in the road and a junction opposite may reduce vehicle speeds, no substantive evidence has been provided to demonstrate actual vehicle speeds are below this limit. Consequently, I cannot be certain that the likely additional vehicular movements onto the A388 would not generate an unacceptable impact on highway safety.
12. I therefore conclude on this main issue that the proposal would be likely to harm highway safety. As such, it would be in conflict with policies DM05 and ST10 of the LP which amongst other things seek developments ensure a safe vehicular access, protecting the function of the road network. There would also be conflict with chapter 9 of the Framework which in this respect says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

### *Drainage*

13. The application form suggests a sustainable drainage system would be provided within the relatively generous site area that is well separated from nearby properties. Whilst the Environmental Protection Officer and other interested parties raise concerns over a lack of information relating to the proposed drainage method and drainage in the area, I have not been provided with any substantive evidence that it would not be feasible to adequately drain the proposed development. Therefore, had I been minded to allow the appeal, this matter could have been addressed through the use of an appropriately worded condition.
14. Therefore, I conclude on this main issue that the proposal would be unlikely to harmfully affect drainage. As such, it would not be in conflict with policies DM01, DM02, DM04(i) and ST03 of the LP which together in this respect seek to promote effective water management whilst ensuring the amenities of existing and future neighbouring occupiers are safeguarded. There would also be no conflict with chapter 15 of the Framework which in this respect says that decisions should prevent new and existing development from being adversely affected by unacceptable levels of water.

### **Other Matters**

15. There are grade II listed buildings in close proximity to the site and consequently there is a statutory duty to pay special regard to the desirability of preserving the buildings or their setting. The raised replaced roof of the listed Stack House of C17 origins and blockwork additions have resulted in the loss of much of the historic authenticity of the building's exterior. The building is significant due to it being a three-room passage plan house reflective of the period of the great rebuilding of England's farms. However, the proportionate submitted heritage statement notes that its internal fixtures and joinery are a particularly attractive attribute of the building's architectural special interest and that the proposal site makes very little, if any contribution to the historic setting of the Stack House given the extensive re-landscaping and screening plantations around it. Consequently, an appropriately designed house could avoid harm to the setting and significance of the Stack House.
16. The Cider House and Stables building has undergone significant recent works with a modern new roof, rooflights and replaced original mixed cob with modern cob block. The building's significance relates to a largely lost landscape of orchards

which survived around many small settlements in the area. However, the submitted evidence and my observations on site suggest the building's significance has been eroded by the removal of historic boundaries, the site's hedge boundaries and adjacent concrete yard. The appeal site therefore does not contribute to the significance of the Cider House and Stables.

17. The Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I note an interested party suggests one of the boundaries of the site has a grade II listed stone wall. Even if this is the case, the proposal site is set within generous grounds and if I were minded to allow the appeal, the proposal could accommodate a single dwelling to be designed, landscaped and positioned in such a way that the setting of the listed buildings, including that wall, could be preserved. This would accord with policies ST15 and DM07 of the LP which collectively seek to preserve and enhance the historic environment. There would also be no conflict with the Framework which attaches great weight to the asset's conservation.

## **Conclusion**

18. In the context of the development plan, I have found that the proposal would conflict with Policies ST07, ST10 and DM05 of the LP. I have also found there to be conflict with the Framework in the main issues above.
19. The proposal would provide an additional property that would make a positive contribution to the supply of housing, albeit the benefits of a single dwelling would be very modest. It would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. However, I have found conflict with a number of policies in the LP and, although it may comply with other policies, that means the proposal would not accord with the development plan when considered as a whole.
20. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

*J Hills*

INSPECTOR