



Appeal Decision

Site visit made on 7 June 2023

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/P1133/W/22/3312207

Westview Farm, Road from Kelland Corner to Two Crosses, Dunsford, Devon, EX6 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Mark Snow against Teignbridge District Council.
 - The application Ref 22/01152/FUL, is dated 7 June 2022.
 - The development proposed is the erection of 4 dwellinghouses in the place of approved 5 units from Class Q application.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Appellant has submitted this appeal on the basis of non-determination of the planning application. Following the submission of the appeal against non-determination, Teignbridge District Council (the Council) has identified the reasons the local planning authority would have given to refuse consent. The Appellant has seen these details and has had the opportunity to respond.
3. In light of the submissions, the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area,
 - Whether or not adequate arrangements are made for the disposal of surface water from the site; and,
 - The effect of the proposed development with regard to carbon emissions.

Reasons

Character and Appearance

4. Policy S1 of the Teignbridge Local Plan 2013-2033 (the Local Plan) provides that development will be assessed against a number of sustainable development criteria to include, amongst other matters, maintenance or enhancement of the character, appearance and historic interest of affected landscapes. Policy S2 of the Local Plan confirms that development should be of a high quality design which integrates with the surrounding natural environment, and which respects the distinctive character of the local landscape. Policy S22 of the Local Plan concerns development within the countryside and provides that in assessing development proposals particular

account will be taken of the distinctive characteristics and qualities of the landscape area.

5. Policy EN2A of the Local Plan specifically concerns landscape protection and enhancement and, amongst other matters, requires that development be sympathetic to and help conserve and enhance the natural and cultural landscape of Teignbridge and in particular in the Area of Great Landscape Value.
6. The appeal site comprises sloping land and a large agricultural barn located adjacent to other agricultural buildings and outside of the nearest settlement at Dunsford. The appeal site lies in the rolling upland landscape of the Yeo Uplands and Slopes Landscape Character Area, in a rural area of isolated farmsteads, with extensive views of Dartmoor and the surrounding, predominantly open, countryside. By reason of its location towards the top of a hillside and given the sloping nature of the land, the site is prominent in views from within the wider surrounding area south, and southwest, of the site.
7. The appeal scheme proposes the demolition of the agricultural barn at the site and the construction of four detached dwellings of varying heights and styles with separate carport structure, arranged in a courtyard layout. Existing access to the site would be blocked up, with a new point of access onto the adjacent narrow country lane being created.
8. It is apparent that considerable thought has been put into the design of the proposed dwellings and the use of materials, with the appeal statement referring to the proposed layout and use of materials as reflecting that of a southwest farmstead. However, overall, I find the design and layout of the proposed buildings somewhat contrived with the different elevations of the proposed units, the large and domestically proportioned southwest facing glazed windows, varying heights and substantially scaled wings to individual units, giving different impressions of either barns or suburban style dwellings. Given the siting of the proposed units and the slope of the land, such arrangements would be visible from within the wider surrounding area of fields and narrow country lanes located to the south and southwest.
9. Together with the above matters, the siting and spread of the proposed dwellings as a whole would appear as a planned layout of suburban development, rather than being a farmstead that has grown organically at a farm or around a farmhouse. As a result, other than in terms of its materials, the proposal would have little clear relationship to the agricultural surroundings and would be harmful to the rural character and appearance of the area.
10. For the above reasons, the appeal scheme would conflict with the provisions of Policies S1, S2, S22 and EN2A of the Local Plan, and would fail to accord with the National Planning Policy Framework with regards to developments being sympathetic to local character and landscape setting.

Drainage

11. Policy EN4 of the Local Plan concerns flood risk and, amongst other matters, provides that in considering development proposals, regard will be had to drainage, disposal arrangements and the use of sustainable drainage systems where ground conditions are appropriate. I note that the Appellant considers that Policy EN4 of the Local Plan only applies to major development proposals.

However, whilst minor developments would be excluded from the requirements regarding sequential approach to sites, the remaining requirements of that policy apply to any development proposals.

12. The planning application indicated that surface water drainage would be disposed of by a soakaway. I acknowledge the Council's concerns regarding the lack of specific details of infiltration tests and information to demonstrate whether infiltration would be a feasible means of surface water drainage management at the site.
13. Nonetheless, there does not appear to be any clear site specific details which indicate that ground conditions or lack of space would prevent surface water from being adequately dealt with by means of a soakaway, and there is little substantive evidence before me to suggest that such a system, if designed correctly and constructed appropriately following necessary site specific infiltration tests, would not adequately dispose of surface water in a manner that does not increase flood risk elsewhere.
14. Given the above, in my view and in respect of this specific development, arrangements for disposal of surface water from the site could be designed and implemented such that adequate drainage arrangements could be achieved. However, such matters would need to be subject to a pre-commencement planning condition on any approval which would require formal submission of a detailed drainage scheme to the Council, and which would allow the Council to look over and check those details, ensuring that the scheme would be effective. In those circumstances, the Council would be able to refuse to discharge such a planning condition if it was not satisfied that the drainage scheme would be adequate or effective, thereby providing an additional safeguard in the process.
15. I therefore find that, subject to a suitably worded condition that required submission and approval of construction details and management of such a drainage system, the appeal proposal would not conflict with Policy EN4 of the Local Plan.

Carbon Emissions

16. Policy EN3 of the Local Plan requires proposals to seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7 of the Local Plan, that being about a 42% reduction from 2009 levels by 2030.
17. Whilst I note the Council's concerns regarding the lack of information provided in support of the planning application, a carbon reduction statement has been submitted during the appeal. That statement is brief in terms of specific details but does, nonetheless, provide information on the design principles and proposed incorporation of renewable sources of energy. In that regard, any approval of the scheme could be subject to a planning condition which required submission and approval of detailed information, and which would provide specific details of carbon reduction measures that would meet the requirements of the Local Plan.
18. By reason of the importance placed on such matters and given that it would be necessary to ensure that measures could be incorporated into the development without the potential need for redesign during construction, it would be

reasonable that such matters would need to be secured by a pre-commencement planning condition.

19. For the above reasons, and subject to the inclusion of conditions requiring the Local Planning Authority's approval of carbon reduction measures and electric vehicle charging points, I find no conflict with Policies EN3 or S7 of the Local Plan.

Other Matters

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. Planning history for the site confirms that an application for prior approval for change of use and conversion of the existing barn into five dwellings was approved by the Council in 2022. The Appellant maintains that the appeal scheme represents an overall improvement in terms of the effect of the development on the character and appearance of the area, when compared to the fallback position established under the aforementioned prior approval (the Fallback Scheme). There is a greater than theoretical possibility that the Fallback Scheme would be implemented in the event that this appeal was dismissed.
22. The Appellant has referred me to the emerging draft Teignbridge Local Plan 2020 -2040, which the evidence before me indicates is at the Regulation 19 stage, and specifically to Policy H13 within that emerging plan which concerns Replacement Dwellings. However, I understand that this plan has not yet undergone public examination and, given its consequent potential to change, it has limited weight in my assessment of this appeal.
23. The existing agricultural barn at the site is substantial in terms of its height and scale. It has a utilitarian and modern appearance. However, it is a typical example of a modern agricultural building which is part and parcel of a working, farmed landscape. Therefore, despite its size and appearance, the current agricultural building does not appear out of place within the site or within the locality.
24. Whilst the volume of built form in respect of the appeal scheme would appear to be less than that of the development approved under Class Q permitted development rights, the footprint and spread across the site of the buildings would represent a significant increase when compared to the Fallback Scheme, with the spread of the appeal scheme encroaching further into the countryside. The appeal scheme would be constructed with materials that reflect those used locally whereas the Fallback Scheme would retain the modern and utilitarian appearance of the existing building. Both schemes would incorporate windows and openings on external elevations. However, the scale of openings in respect of the Fallback Scheme would be very modest when compared to the substantially scaled windows of the appeal proposal, especially those on the proposed units that would be positioned in the southern section of the site, that would be of overtly domestic suburban appearance, being harmful to the character and appearance of the area.
25. Both the appeal proposal and the Fallback Scheme would change the use of the site to residential and would introduce domestic paraphernalia associated with

residential occupation. It is noted that under the appeal proposal, car parking would be incorporated into a single structure, which would not be the case in terms of the Fallback Scheme. However, under the Fallback Scheme, the overall form, mass and general appearance of the existing agricultural building would be preserved and therefore would not necessarily look out of place within the context of its rural surroundings, whilst the appeal proposal, despite efforts to make it agricultural in appearance, would appear as a planned layout of suburban development for the reasons given above.

26. The appeal proposal would provide additional screening at the site. Even so, such screening may take time to establish and may not provide sufficient screening in winter when foliage is reduced. In any event, given the slope of the land it is unlikely that such screening would prevent views of the proposal from within the wider surrounding landscape south and southwest of the site.
27. I also acknowledge that the Fallback Scheme is likely to result in additional trips being taken by private motor vehicle to and from the site when compared to the appeal scheme, and that the appeal proposal could allow for the use of the latest sustainability features, such as electric vehicle charging points, which may not be available under the Fallback Scheme. Nonetheless, by reason of the comparative scale of development, these limited benefits would not outweigh the identified harm to the rural agricultural character and appearance of the surrounding area, that would result from the appeal proposal. As such, the presence of the Fallback Scheme does not justify the appeal proposal in the face of the policy conflict arising from its impact on the character and appearance of the area.

Conclusion

28. For the above reasons, whilst I have found that concerns regarding drainage and carbon reduction details could be adequately secured by planning condition, I consider that the appeal proposal would be more harmful to the character and appearance of the surrounding area than the Fallback Scheme. It therefore does not justify the above identified conflict with the development plan, when read as a whole, and there are no other material considerations of sufficient weight to warrant a decision otherwise in accordance with the development plan.
29. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR