



Appeal Decision

Site visit made on 12 September 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/P1133/D/23/3321865

Haldon Oak, Road Past Webberton Court, Dunchideock, Devon EX2 9TY

- 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 Emma Denham against the decision of Teignbridge District Council.
- The application Ref 22/02023/HOU, dated 20 October 2022, was refused by notice dated 9 March 2023.
- The development proposed is the removal of a section of wall and fence and planting to provide new access for Squirrels Nest (now Haldon Oak).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the heading above I have taken the name of the property from the appellant's appeal form as it most accurately identifies the property at which the development is proposed. I have also taken the description of development from the Council's decision notice and the appellant's appeal form as this more concisely describes the appeal proposal. However, I have added a note to clarify the name of the property which better reflects the current address.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with reference to the Area of Great Landscape Value (AGLV).

Reasons

4. Dunchideock is a dispersed settlement comprising several isolated clusters of built form, along a series of intersecting rural lanes. Properties are typically detached in relatively large plots, and are interspersed with agricultural built form and infrastructure. This informal pattern of development across the rolling countryside creates a deeply rural and attractive character, reflected in its local designation as an Area of Great Landscape Value (AGLV).
5. The appeal site adjoins one of these lanes within a cluster of approximately eight properties. Two groupings of the properties, including Haldon Oak and its neighbour at The Oak Lodge, share access points onto the lane. Whilst the presence of dwellings on one side of the road has had an effect on the character of the lane, the use of shared access points has limited the intrusion of repeated residential openings on this character.

6. The current boundary retaining wall enclosing the road frontage of both Haldon Oak and The Oak Lodge is one of the more visually prominent features on this stretch of road, being both taller and with a more urban character than the nearby residential boundaries. Whilst the planting above the wall softens this effect to a degree, the tall wall with its straight lines and abrupt angles remains a conspicuous and discordant feature. The existing shared access to Haldon Oak and The Oak Lodge intensifies this urbanising effect, with a wide opening and sharply defined visibility splays.
7. The proposed development would create an additional opening in the retaining wall, with associated angled visibility splays and retaining wall returns. Much like the existing shared access, the width of the proposed access would be significant, and considerably wider than the adjacent lane. Taken together with the works to culvert the ditch, the large returns of the retaining walls leading into the site, and further sharply defined visibility splays, the proposed access would worsen the visual prominence and incongruity of this boundary, and further detract from the rural character and appearance of the area.
8. The Teignbridge Local Plan (the Local Plan) affords a high level of protection to AGLVs, and the Council describe them as areas of high landscape quality that are particularly sensitive to development. In respect of landscape character, both parties have referred to published local Landscape Character Assessments (LCAs). The Council have considered the Devon LCA, and highlight one of the future forces for change in this area as “widening and new access points to narrow lanes, eroding their rural character” which, it follows, this proposal would contribute to and worsen.
9. The appellant notes that this future force for change is not present within the Teignbridge LCA for this area. However, both LCAs refer to the network of minor roads and lanes as one of the key characteristics of the area. Furthermore, both LCAs include strategy and/or guidance for the area to preserve the rural character of the lanes, including the Teignbridge LCA recommendation to “ensure that any improvements along rural lanes reflect their rural character”. Consequently, I find that the proposed development would adversely affect a key characteristic of the locally designated landscape. Whilst this effect would be localised, there is no qualification in the Local Plan or the LCAs that unacceptable effects can only be caused by significant or widespread harm.
10. My attention has been drawn to a recently approved planning application in the local area at Pitman’s Barn. Although I do not have the full details of this application before me, I did view the site during my site visit. Whilst it does appear that a new access has been created onto a rural road, the context of that site and the development are very different from that considered under this appeal. In particular, the access, its context, and its enclosure are agricultural in character, and there do not appear to have been any significant level changes or engineering works required to facilitate the access point. The decision maker’s consideration of the proposals against the requirements of Local Plan Policy EN2A will therefore have been different to mine. For these reasons this decision carries very limited weight in favour of this appeal, and this would not outweigh the harm that would result from the proposed development.

11. For the reasons described above, I therefore conclude that the proposed development would result in harm to the character and appearance of the area and the AGLV. This harm would conflict with Policy EN2A of the Local Plan. This policy requires, amongst other criteria, that development proposals conserve and enhance the qualities, character, and distinctiveness of the locality, and that development is sympathetic to and helps to conserve and enhance the landscape character of the District, in particular in AGLVs.

Other Matters

12. During my site visit I noted that it was not possible to see the full extent of the shared driveway and parking area for Haldon Oak from the highway, but that it was possible to see well into the driveway, including to the wider parking and turning area to the front of the garage at The Oak Lodge. I was also able to see vehicles parked further up the driveway at Haldon Oak. Whilst it may be preferable to see the full extent of a driveway before leaving the highway, the same issue is present in a number of properties to the immediate south of the appeal site, and I don't consider this level of visibility to be a particularly unusual circumstance where a property is set back from the road.
13. Given the current level of visibility, in my view it would be possible to make a reasonable judgement on the safety of exiting the highway onto the shared driveway, and there is limited evidence before me to demonstrate otherwise. I am therefore not persuaded that the limited benefit of the scheme to the safe use of the driveway would outweigh the unacceptable harm to the character and appearance of the area.
14. The appeal site is located within the Landscape Connectivity Zone for Greater Horseshoe Bats associated with the South Hams Special Area of Conservation, which is designated under the Conservation of Habitats and Species Regulations 2017 to protect habitats and to ensure the favourable conservation status of its population of greater horseshoe bats. The Council considers that there is unlikely to be a likely significant effect on the integrity of the protected site, and I see no reason to disagree. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

15. For the reasons given above I find that the development would conflict with the development plan when read as a whole. There are no material considerations that have been shown to outweigh that conflict or indicate a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR