



Appeal Decision

Site visit made on 10 October 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/Q1153/W/23/3318282

Garden near Town Living Cross, North Road, Exbourne, Okehampton EX20 3RP

- 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 A Reekie against the decision of West Devon Borough Council.
 - The application Ref 0980/22/FUL, dated 14 March 2022, was refused by notice dated 21 October 2022.
 - The development proposed is a dwelling with detached garage and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to a previous outline planning application for three dwellings on this site (reference 3100/16/FUL), which was refused by the Council and dismissed at appeal (reference APP/Q1153/W/16/3165187). I shall have regard to the previous Inspector's decision, insofar as it is relevant to the current appeal before me.

Main Issues

3. The main issues are:
 - whether the development would perpetuate an imbalance in the housing stock in the area having regard to development plan policies;
 - the effect on highway safety; and
 - the effect on the living conditions of neighbouring occupiers.

Reasons

Housing stock

4. The appeal site is within the village of Exbourne. Exbourne is in the Thriving Towns and Villages Policy Area (TTVPA) of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (JLP). Policy TTV1 sets out a hierarchy of settlements in the TTVPA, which is split into four tiers. At the top of the hierarchy are the main towns (Tier 1), below them are the smaller town and key villages (Tier 2) and below them are the sustainable villages (Tier 3). Beyond these tiers are the smaller villages, hamlets and the countryside (Tier 4). The Council confirm that Exbourne is defined as a sustainable village and

therefore falls into Tier 3. Policy TTV1 supports meeting locally identified needs in Tier 3 settlements.

5. Turning to Policy DEV8 of the JLP, this policy sets out the development strategy for meeting local needs in the TTVPA. It states that the priority needs in this area includes providing homes that redress an imbalance within the existing housing stock. This is to ensure that there is a mix of housing sizes, types and tenures that are appropriate to the area. Additionally, proposals for residential development should be supported by local housing evidence.
6. The Council has identified that there is a significant proportion of larger detached properties in Exbourne and that there is a distinct lack of smaller, more affordable dwellings. The Exbourne Housing Survey 2016 confirmed that there was a total of five people in need of new or affordable housing, but only two of them wished to remain in Exbourne. Additionally, there was also some potential future need for residents' children who expressed a desire to remain in Exbourne if affordable housing was available. The more recent Exbourne Housing Needs Assessment (April 2020) recommended that larger dwellings also continue to be delivered in Exbourne to meet the continuing demand for larger homes in the area. However, it also stated that the focus should be on smaller dwellings (especially affordable smaller homes) as this would permit older households in larger dwellings to downsize and allow newly forming households to access housing through smaller and more affordable dwellings.
7. The Council has stated that the proposed dwelling would have an overall floor area exceeding 400 square metres. This figure does not appear to have been disputed by the appellant. The submitted plans show that the dwelling would only have two bedrooms with ensembles (as well as an office), but they are large bedrooms that significantly exceed the size of a usual bedroom. It would therefore be straightforward for the first floor to be rearranged to create a sizeable three or four bedroom dwelling. This would result in the provision of a large dwelling that would not meet identified housing needs in the area.
8. It is asserted that a single dwelling would not impact on the mix of houses within the local stock. However, the proposal would fail to address the existing imbalance in the local housing stock and would instead exacerbate it. In this regard, the Council has referred me to another appeal decision in the district where an Inspector determined that a single dwelling would have a material impact on the local housing mix (reference APP/Q1153/W/21/3282233). I concur with that Inspector's view.
9. The appellant submits that a scheme for smaller and more affordable housing on this site would not be viable, but I have been provided with limited evidence to support that assertion. I therefore attach little weight to this contention.
10. For these reasons, the proposed development would perpetuate a housing imbalance in the housing stock in the area. Consequently, the proposal conflicts with Policy DEV8 of the JLP. Additionally, the proposal would conflict with the National Planning Policy Framework (the Framework), which states that planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Highway safety

11. The proposed dwelling would be served by a new access formed within the boundary of the site with High Street (the B3217), close to a bend in the road and opposite a junction. Provision would be made within the site for a turning head so vehicles would be able to access and egress from the site in forward gear. The 85 percentile wet weather journey speeds of 23.5mph are considered appropriate in this location and this requires a sight line in the trailing traffic direction of 33 metres according to national guidelines in Manual for Streets 2.
12. The visibility to the right when leaving the site is shown on the submitted plans as approximately 43 metres and therefore exceeds the required sight line distance. However, the plans also show that the visibility to the left would be approximately 18 metres. This falls significantly short of the sight line that is required to accommodate the likely vehicle speeds on this section of road. As such, the access for the proposed dwelling would be substandard and this would compromise the safety of road users and anyone residing at, or visiting, the site.
13. The appellant has provided figures in respect of overall stopping distance for a vehicle travelling at 25mph, which shows a combined thinking and braking distance of 17.5 metres. However, the figures are caveated that they are a general guide and depend on the attention being paid by the road user, the road surface, weather conditions and the condition of the vehicle being driven by the road user. As such, the figure is a typical stopping distance, and it cannot be guaranteed that a vehicle would always be able to stop within 17.5 metres. Therefore, the nationally accepted minimum standard should be achieved to ensure that the vast majority of situations are catered for.
14. I appreciate that the appellant has had regard to the previous appeal decision on this site by reducing the sight lines to the benefit of the historic environment. However, the Framework is clear that proposals that would result in an unacceptable impact on highway safety should be refused. The proposal's impact on highway safety therefore conflicts with the Framework.
15. I also note that there are other properties in Exbourne that have potentially substandard parking and access arrangements. However, most of these other arrangements have been in situ for a significant period of time. In terms of the more recently formed parking and access arrangement, I have been provided with limited information to explain the background and context to the decisions that were made to allow those developments. In any event, the presence of these other parking and access arrangements in the local area does not justify the proposed substandard access, and I have determined the proposal on its own individual merits based on the evidence before me.
16. Reference has been made to a potential upcoming reduction of the speed limit through the village to 20mph. However, at the time of determining this appeal, I have not been made aware that the reduction of the speed limit has been implemented. As such, the appeal is determined on the basis that the existing 30mph is still in force.
17. For these reasons, the proposed development would have a harmful effect on highway safety. Consequently, the proposal conflicts with Policy DEV29 of the JLP, which seeks, in part, the provision of safe and satisfactory vehicular access

to and within development sites. As commented above, the effect on highway safety also conflicts with the Framework.

Living conditions

18. The proposed dwelling would be constructed on land between existing residential properties. The site is on higher ground level than the road but is at a similar level to the bungalows to the north. The property to the south is a two storey dwelling but it is on the same ground level as the road.
19. The plans show that engineering works would be carried out so that the ground level of the dwelling is lower than the current ground level of the site. However, the dwelling would still have a considerably higher ridge and eaves height than the adjacent bungalows. Additionally, the dwelling would be constructed near to the northern boundary of the site. Whilst it would be sufficiently distanced from No 5 The Shrubby to avoid material harm to the living conditions of the occupiers of that property, it would form a dominant presence near to the boundary of No 4 The Shrubby that would result in harmful loss of light to the windows that face the site.
20. For these reasons, the proposed development would have a harmful effect on the living conditions of the occupiers of No 4 The Shrubby. Consequently, the proposal conflicts with Policy DE1 of the JLP, which seeks, in part, to safeguard the amenity of existing residents. Additionally, the proposal also conflicts with the Framework, which seeks a high standard of amenity for existing and future residents.

Other Matters

21. The appeal site is located within the Exbourne Conservation Area (the CA), which encompasses the traditional rural Devonian village, with many examples of cob buildings and slate and thatch roofs. The effect of the development on the character and appearance of the CA was not a reason for refusal, and the Council do not object to the proposal on this basis. The proposed dwelling would respect the vernacular and materials of the CA and it would not appear out of place within the setting of the traditional buildings near to the site. In these circumstances I am satisfied that the proposal would otherwise preserve the character and appearance of the conservation area, in accordance with national policy.
22. The appellant has referred to pre-application discussions that took place prior to the submission of the application and has described receiving positive advice. However, the outcome of such discussions is not binding on the Council in determining subsequent applications.

Conclusion

23. As set out above, I conclude that the development would perpetuate an imbalance in the local housing stock, would prejudice highway safety, and would harm the living conditions of No 4 The Shrubby. It would be contrary to the development plan in these respects. Whilst it would provide a new dwelling that would support the infrastructure and facilities in the village, and would deliver some economic benefits, that does not alter my view that the appeal should be dismissed.

K Reeves INSPECTOR