



Appeal Decision

Site visit made on 11 January 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/K1128/W/23/3325992

Land West of Parkhill Cottages, Chapel Street, Ermington, Devon PL21 9NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr K Harris against the decision of South Hams District Council.
 - The application Ref 0907/23/PIP, dated 13 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is described as 'Planning in Principle for the Erection of up to 2no Dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters, including the suitability of an access and associated visibility, are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have therefore determined the appeal accordingly and have treated the Sketch Block Plan as indicative only.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location and the effect on the character and appearance of the area and Ermington Conservation Area.

Reasons

5. The appeal site is elevated above Chapel Street with a number of trees within the site, and along the site boundaries. The site adjoins, and is raised above, Parkhill Cottages with further residential development on the opposite side of Chapel Street, that are also set at a lower level than the appeal site. There is open countryside beyond the site to the north and west and given the raised

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

nature of the site and position at a road junction, it is visually prominent. Ermington is defined within the Plymouth & South West Devon Joint Local Plan 2014-2034 (March 2019) (LP) as a Sustainable Village without a defined boundary.

6. The site is located within the Ermington Conservation Area (CA). The Ermington Conservation Area Appraisal (the Appraisal) states that the Conservation Area comprises 37 Listed Buildings and that 'While buildings and other man-made structures are dominant in creating the special interest and character of the Conservation Area, other features are important too, not least the undeveloped spaces and the trees that comprise and share their setting.' It is therefore a combination of the buildings, undeveloped spaces and trees that comprise the significance of the CA.
7. There is little dispute between the parties that two dwellings could be erected without harming the trees within and adjoining the site. From the information before me, I have no reason to disagree. However, the site and common boundary with the immediately neighbouring Parkhill Cottages is strongly delineated by mature trees. This feature, along with the raised level of the site and boundary planting to the road strongly differentiate the site from the built form comprising Parkhill Cottages and the dwellings on the opposite side of Chapel Street. These features help to form a definitive edge to this part of the settlement.
8. The appeal site is devoid of buildings with its raised nature, trees and open land to the north and west contributing to the site's distinct sense of rural countryside appearance and context. Consequently, the appeal site forms a clear and natural break in the built form between the settlement and the surrounding countryside. This is the case despite the site falling within the CA and the presence of parking to Chapel Street that are viewed in association with the nearby dwellings. I have very little compelling evidence demonstrating that the site has been used as a residential garden(s) and it does not currently have the appearance of a garden.
9. Furthermore, the Appraisal states that '...within the Conservation Area, along the three main streets, trees do not figure with any prominence, except, that is, near their meetings with the open countryside. Here, next to Freehamlet; around Ring of Bells Cottage; and above Parkhill Cottages, mature specimens help to contain views and give definition to the village edge'. As a result, the trees on the site and its undeveloped nature make a positive contribution to the rural setting of the village and to the CA as a whole and define the settlement edge.
10. The development of this site for up to 2 dwellings would extend built development further into the open landscape, outside of the existing built form and defined edge of the settlement on a prominent site. This would erode the important countryside context to the site and settlement which contributes positively to the special scenic qualities of the area and CA.
11. Little evidence has been submitted which appraises the landscape effects of siting the appeal proposal here or demonstrates the potential for effective mitigation to be employed to minimise harm to the character and appearance of the area and CA. As a result, the proposal would harm the character and appearance of the area and wider CA.

12. Policy TTV25 of the LP states that within sustainable villages without neighbourhood plans, the LPAs will support development that meets identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8, unless such provision would conflict with other policies in the LP. Figure 5.8 states that Ermington is able to accommodate around 20 dwellings. I have not been advised of any provision to date and there is no Neighbourhood Plan at an advance stage of preparation. However, I have found above that the site falls outside of the defined edge of the sustainable village.
13. Even if I were to conclude that the site is within the settlement and that the proposal would make a positive contribution to housing supply and meet the need for housing, the proposal would conflict with other policies in the LP by virtue of the harm I have identified above to the character and appearance of the area and wider CA. This would be the case despite the lack of other provision within Ermington to date and evidence from the appellant outlining the constraints to development within and adjoining the settlement.
14. With regard to Policy TTV26 of the LP, point 1 does not apply as the site is not in an isolated location. Furthermore, the proposal does not meet any of the six criteria under point 2 and would result in harm to the immediate setting of the site. As such, the proposal does not gain support from Policy TTV26.
15. The Council's evidence confirms that the site is accessible, being on the edge of the settlement. However, this is only one of a number of credentials that determine the overall suitability of the site for housing in locational terms and in the context of the LP.
16. For the reasons set out earlier, the location of the appeal proposal would represent a physical incursion into the open countryside which would be harmful to the character and appearance of the area and Conservation Area. This identified harm would be less than substantial in effect. The National Planning Policy Framework (the Framework) requires that this is assessed against any public benefits of the appeal proposal.
17. Paragraph 205 of the Framework states 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 (the more important the asset the greater the weight should be). This is irrespective of whether or not the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
18. In this regard, the appeal proposal would contribute to meeting local housing needs and supply for the area and make a more efficient use of land. However, the absence of a shortfall in the supply of housing land in the area and scale of the proposal means that the public benefits are of limited weight. Aside from the harm to the character and appearance of the area and Conservation Area which I have identified, the appeal proposal would not bring any heritage benefits. No other public benefits have been advanced.
19. Consequently, the great weight which I attach to the harm to the designated heritage asset would not be outweighed by the public benefits of this appeal proposal. As a result, the location of the appeal proposal would not be justified in heritage terms. This weighs heavily against the appeal proposal.

20. Moreover, in locational terms as the appeal proposal would neither preserve or enhance the character or appearance of the Conservation Area within which it is located, the appeal proposal does not meet the requirements of section 72(1) of the Act.
21. It follows that I conclude that the proposal is not suitable for residential development, having regard to its location and the effect on the character and appearance of the area and Ermington Conservation Area. The proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, there would be harm to its significance. The proposed development is therefore contrary to Policies SPT1, SPT2, TTV1, TTV25, TTV26, DEV20, DEV21 and DEV23 of the LP. These require that important heritage assets are protected for the benefit of current and future generations, protect and enhance the historic environment, supports development of housing in Sustainable Villages unless such provision would conflict with other policies in the LP, seek to meet good standards of design, give great weight to the conservation of designated heritage assets, and avoid significant and adverse landscape or visual impacts. It would also be contrary to the Framework insofar as it seeks to secure well-designed and beautiful places and the conservation and enhancement of the historic environment.

Other Matters

22. I have had regard to the site not being in active use, not falling within an AONB, Undeveloped Coast, flood plain or Heritage Coast I have also had regard to the Appellant's statement that there is limited farming potential for the site and that it is located close to a public sewer with no harm to the living conditions of nearby residents. However, these matters do not in themselves justify development of the site and/or are required by local and national planning policies. As a result, these matters are neutral in my consideration of the appeal.
23. Given the date of the previous appeal decisions on the site and their determination under different local and national planning policies, they are also neutral in my consideration.

Conclusion

24. It has not been demonstrated that the site is suitable for residential development, having regard to its location and the effect on the character and appearance of the area and Ermington Conservation Area. Consequently, there is conflict with the development plan when taken as a whole. This is not outweighed by any other matters before me. Therefore, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR