



Appeal Decision

Site visit made on 3 January 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal Ref: APP/W1145/W/22/3312919

Land at Grid Reference 238550 121287, Parkham, Devon

- 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 Pearce Construction (Barnstaple) Ltd against the decision of Torridge District Council.
 - The application Ref 1/0467/2022/FUL, dated 21 April 2022, was refused by notice dated 15 November 2022.
 - The development proposed is described on the application form as, "Development for 5 residential properties and Associated Works".
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Decision

1. The appeal is dismissed.

Application for costs

2. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken the comments received into account. I have had regard to the December 2023 version of the Framework in my decision.
4. During the course of the appeal, appeal decision Ref APP/X1118/W/23/3318751 was issued. The main parties were provided with an opportunity to comment and I have taken the comments received into account.
5. At the appeal stage the Council confirmed that the highways and drainage / sewerage reasons for refusal given in the Council's decision notice were withdrawn. As such, these matters are no longer significant contested issues between the main parties. This is reflected in the main issue, below.

Main Issue

6. The main issue is whether the proposed dwellings would be in a suitable location, having particular regard to the Council's spatial development strategy for the area and, if harm would arise, whether this is outweighed by other material considerations.

Reasons

7. The appeal site comprises an open agricultural field sited on the western edge of Parkham in Devon, a village which is located to the south-west of Bideford. Residential development is present at St James Close, to the south of the site.
8. Policies ST06 and ST07 of the Local Plan¹ together provide a settlement hierarchy, which, as paragraph 4.5 of the Local Plan makes clear, provides the foundation for the distribution of development and service provision in northern Devon. Parkham is listed as a village in Policy ST07, where, as stated in part (2) of Policy ST07, development will be enabled in accordance with the local spatial strategy to meet local needs and growth aspirations. Policy ST08 of the Local Plan (which relates to the scale and distribution of new development in northern Devon) provides that, amongst other things, a minimum of 1,024 dwellings are planned for identified villages, including Parkham.
9. However, the site is located outside of, and adjoins, the settlement boundary for Parkham. In such areas, part (4) of Policy ST07 of the Local Plan is engaged, which provides that, amongst other things, in the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location. It is common ground between the main parties that the proposed development would not meet any of these criteria. The proposed development would therefore conflict with part (4) of Policy ST07.
10. Policy PAR of the Local Plan sets out the spatial strategy for Parkham. Part (a) of Policy PAR provides that, amongst other things, the supply of housing will be delivered through a single site allocation. The appeal site does not fall within that site allocation. The proposed development would therefore also conflict with part (a) of Policy PAR.
11. As the proposed development would be located on a site which is not within any settlement boundary, the principle of residential development, based on the requirements of the Local Plan, is not established. More specifically, the site does not fall within the existing site allocation for residential development in Parkham, in conflict with the spatial strategy for Parkham.
12. I therefore find that the proposed dwellings would not be in a suitable location, having particular regard to the Council's spatial development strategy for the area. In relation to this main issue, the proposed development would conflict with part (4) of Policy ST07 of the Local Plan and part (a) of Policy PAR of the Local Plan, which together set out the spatial development strategy for Northern Devon's Rural Area, including Parkham.

Other Matters

13. The Council did not refuse the application on matters relating to the character and appearance of the area, landscape character, historic character / heritage, design and landscaping, the living conditions of nearby occupiers or the future occupiers of the proposed dwellings, or in relation to ecology. However, even if I were to likewise reason that the proposed development would be in compliance with the development plan and the Framework in these respects,

¹ North Devon and Torridge Local Plan 2011-2031 (adopted 2018)

these would be neutral factors rather than ones which weigh positively in favour of the proposed development.

14. The submitted planning obligation (deed dated 13 June 2023), seeks to secure contributions in relation to off-site open space and secondary education and school transport. It is common ground between the main parties that these measures in the planning obligation would provide the necessary amount of financial contributions in relation to these matters. I have no substantive evidence to indicate otherwise. I therefore consider that these measures in this planning obligation are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development and that they would comply with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), so far as is relevant to this planning obligation, and the tests for planning obligations set out in the Framework.
15. Even so, these measures would merely serve to mitigate some of the impacts of the proposed development on the local community (including with respect to additional school pupils) in compliance with the existing requirements of the Local Plan. Consequently, these contributions are also neutral factors.
16. Given my findings on the main issue above, that the proposed dwellings would not be in a suitable location, having particular regard to the Council's spatial development strategy for the area, with the site being located outside of the settlement boundary for Parkham, paragraph 70 d) of the Framework, which relates to the development of windfall sites on suitable sites within existing settlements for homes, does not provide support for the proposed development.

Other Considerations

17. The proposed development would provide 5 new dwellings located in a moderately accessible location, near to existing residential development, a bus stop, and key facilities. As some of the proposed new dwellings are intended to meet the needs of older people, they would contribute to housing choice and mix in the local area.
18. The proposed development would provide work for construction professionals during the construction phase, and the future occupiers of the proposed dwellings would likely contribute in economic terms to the services and facilities in Parkham and also to those in large villages nearby, and also to the social fabric of the local community.
19. The proposed development would provide biodiversity benefits, stated in the submitted Ecological Impact Appraisal² to be a biodiversity net gain of 43% in terms of habitat units and 152% in terms of hedgerow units.

Planning Balance

20. The Framework provides at paragraph 15 that, amongst other things, the planning system should be genuinely plan-led. In contrast, the proposed dwellings would not be in a suitable location, having particular regard to the Council's spatial development strategy for the area, meaning that the proposed development would result in harm in achieving the planned strategy for the

² Ecological Impact Appraisal (Orbis Ecology Ltd) (2021)

area. Importantly, as Parkham is listed under Schedule B of Policy ST07 of the Local Plan, Parkham is not intended to be the primary focus for development with the wider rural area covered by the Local Planning Authority.

21. Noting that paragraph 12.740 of the Local Plan provides that, amongst other things, outside of the development boundary for Parkham the principle of residential development is only supported on an exceptional basis, the above-mentioned conflict with the Council's spatial development strategy for the area is a matter of considerable importance. I also note that there is no mention within Policy PAR of any particular desire for windfall sites to come forward within Parkham, whether previously developed sites or otherwise.
22. Great weight has therefore been given to the proposed development's conflict with the relevant policies of the development plan.
23. The proposed development would support the Government's objective of significantly boosting the supply of homes, mentioned at paragraph 60 of the Framework. By providing homes suitable for older people, the proposed development would be in accordance with paragraph 128 a) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing.
24. I have taken account of the quoted findings of the Fine Margins report in relation to value generated by construction. I am also mindful that paragraph 70 of the Framework provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly, and that paragraph 83 of the Framework provides that, amongst other things, where there are groups of smaller settlements, development in one village may support services in a village nearby.
25. Nevertheless, although Policy PAR refers to development to meet the needs of Parkham, the proposed development would not fall within part (a) of Policy PAR, and any benefits arising with respect to parts (b) to (e) of Policy PAR, such as the future occupiers of the proposed dwellings frequenting village facilities and services, thereby assisting in their retention and potential improvement, would not likely be significant, considering the limited quantum of development proposed in this case.
26. The extent of the biodiversity enhancements would be acceptable, and in conformity with paragraph 180 d) of the Framework which provides that, amongst other things, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
27. The positive impacts of the economic, social, and environmental benefits as summarised above would be directly associated with the quantum of development involved in this appeal and the size of the site, neither of which are significant. Moderate weight has therefore been given to the proposed development's compliance with the relevant policies of the development plan. Hence, it is clear that the proposed development would conflict with the development plan when considered as a whole.

28. The Inspector in appeal decision Ref APP/X1118/W/23/3318751 took into account the Five Year Housing Land Supply Statement³, the 20% buffer mentioned at paragraphs 4.24 and 4.25 of the Local Plan which forms part of the supporting text to Policy ST08 of the Local Plan, and the Inspector's findings in appeal decision Ref APP/W1145/W/19/3238460, in coming to their conclusion that the Council can demonstrate a 5-year supply of deliverable housing sites. I have not been provided with evidence which indicates that this position has changed since that appeal decision was issued in September 2023. Accordingly, for the purposes of this appeal decision, I find that paragraph 11 d) of the Framework is not engaged.
29. The Inspector in appeal decision Ref APP/X1118/W/23/3318751 noted that it is apparent from Housing Delivery Test results that the actual provision of housing has met expectations in recent years. Similarly, the latest Housing Delivery Test results indicate that the Council is in the 'no consequences' category. Thus, part (2) of Policy ST21 of the Local Plan, which relates to proposals for additional residential development outside of defined settlement limits where housing delivery falls below certain thresholds, is not triggered.
30. I have had regard to appeal decision Ref APP/D0515/W/23/3327578. I note that paragraph 13 of that decision mentions that the Planning Practice Guidance states that the standard method for calculating local housing need provides a minimum number, which is echoed in the Framework, and that there is no reason that it should be considered a ceiling. Nevertheless, this does not alter the fact that the proposed development would provide a modest quantum of housing in a location which is not supported by the Local Plan. As such, it does not provide a compelling reason which indicates that the development plan should not be followed in this instance.

Conclusion

31. I have found above that the proposed development would conflict with the development plan when considered as a whole. The other considerations, which include the provisions of the Framework and the appeal decisions mentioned above, do not indicate that the appeal must be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

³ Five Year Housing Land Supply Statement (Torridge District Council) (North Devon Council) (April 2023)