
Appeal Decision

Site visit made on 5 March 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/X1118/W/23/3324956

Cross Park, North Street, Witheridge, Devon EX16 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant technical details consent.
 - The appeal is made by Mr Steven Leach against the decision of North Devon Council.
 - The application Ref 76913, dated 23 March 2023, sought consent pursuant to permission in principle Ref 76133, granted on 1 December 2022.
 - The application was refused by notice dated 5 June 2023.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for technical details consent following the grant of permission in principle. The Planning Practice Guidance (PPG)¹ advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle has established that the location, land use, and amount of development is suitable in principle. The technical details consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the permission in principle stage. I have determined this appeal on that basis.
3. Since the refusal of the application, the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site lies to the north side of North Street, in open countryside next to the eastern edge of the settlement boundary of Witheridge village. The site comprises part of a wider rectangular parcel of land which is used for equestrian purposes. It contains paddocks which are enclosed by post and rail timber fencing and there is a single storey timber stable block sited on concrete

¹ Paragraph: 001 Reference ID: 58-001-20180615

hardstanding close to the road frontage. The latter lies outside of the appeal site boundary. There is a shared vehicular access from North Street, which also provides access to fields to the north of the appeal site.

6. The appeal site lies on the main road approach towards the village from the east. At this point, the road comprises a typical countryside lane. It is unlit, has no pavements and is edged by roadside grassed bank/verges, trees and hedging. Although sited close to the village edge, the appeal site has a wholly rural character.
7. The site frontage is delineated by well-established trees and hedging set above a grassed roadside verge. The eastern side boundary of the neighbouring dwelling at Upcott Haven is maturely landscaped, and intervening third party grassed land between that boundary and the appeal site is to be retained to give access to the fields behind. This results in a clear visual and physical demarcation of the built settlement edge to the side of Upcott Haven, and a reinforcement of the position of the appeal site in the open countryside.
8. There is a similar arrangement of defining edge-of-settlement mature boundary landscaping to the east side of the bungalow at Sunrise on the opposite side of the road. This, together with open fields fronted by a similar roadside verge, and mature trees and hedging directly opposite the appeal site, also compounds the rural environment within which the appeal site is positioned.
9. The distinction between the rural surroundings of the appeal site and the built urban nature of the village is also reinforced by the open land to the north and east of the appellant's land, and the appellant's adjacent equestrian field and stable.
10. As such, the appeal site and its immediate surrounds have a thoroughly rural character in contrast to the more built-up urban environment of the village to the west.
11. A predominance of low-rise bungalow development at the eastern edge of the village indicates a transition between the urban village townscape and the open countryside beyond. This includes single storey dwellings to the west of the appeal site along the stretch of the road between the site and Rackenford Road. Similar low height bungalow development is also evident to the south of North Street, including the residential properties within Apple Tree Close.
12. The proposed 2-storey dwelling would be of a substantial size, including 4 double bedrooms and a study, 3-ensuites, a family bathroom, and an attached double carport. It would incorporate several pitched roof elements with a variety of widths and eaves and ridge heights.
13. The new building would be considerably larger in scale and have a more complex and overtly 2-storey roof form compared to the existing residential development west of the site, where the street scene has a strongly defined built character comprising single storey bungalows with a simple traditional pitched roof form.
14. The submitted street scene drawings indicate that the ridge height of the proposal would appear to be no higher than those of the bungalows to the west, due to falling ground levels in an easterly direction. However, the proposal would nonetheless be clearly perceived to be a full 2-storey dwelling

- and its height would be reinforced visually by the proposed front and rear 2-storey gabled elements.
15. The new dwelling would also be viewed as being significantly higher and bulkier than the existing single storey stable, behind which it would be sited, and which sets the immediate context for the new building. The above impacts would not be sufficiently mitigated by the proposed lower height of the garage element of the scheme.
 16. The proposal would be largely screened in public views from the south, and when approaching along the road from the east, due to mature landscaping along the roadside frontage and along the eastern side boundary of the appellant's land. However, the northern and western boundaries of the appeal site are significantly more open in nature, the positioning of the new building would be set back within the site where it would not align with the positioning of the dwellings to the west, and land levels fall northwards beyond the site. Taking these factors into account, the appeal scheme would be exposed in some views from the north, from across the vehicular access and from parts of the neighbouring site at Upcott Haven.
 17. I have noted that new landscaping is proposed along the northern site boundary. However, on the basis of the information before me, which does not include a detailed landscaping scheme, I cannot be certain that adequate landscaping sufficient to satisfactorily screen the proposal could be implemented and thereafter retained. My concerns in this respect are reinforced by the elevated position of the ground floor of the proposed dwelling in relation to surrounding land to the north of the appeal site. Also, having regard to the proposed north-facing fenestration serving principal rooms, including floor to ceiling glazing to the lounge, it is reasonable to expect that there would be future pressure from the occupiers of the property to limit the height of any new boundary landscaping behind the property, in order to maintain views over the surrounding countryside from the ground floor rooms.
 18. Nor can I be certain that existing mature boundary planting that would provide some screening of the development, would remain. As such, I do not consider it appropriate to rely upon sufficiently high boundary landscaping to screen new built development which is not appropriate for its surroundings, and this is not a reason to allow development that is unacceptable.
 19. I have taken account of an extant planning permission² for a new dwelling to the east of the appellant's land which would replace an existing barn which benefits from prior approval consent for change of use to a dwelling. Whilst this has not yet been implemented, there is no cogent evidence before me that suggests that this development is unlikely to be carried out.
 20. Whilst this would also comprise a 2-storey property, the first floor living space would be notably smaller in size than that of the appeal scheme and it would primarily be accommodated within the pitched roof structure. As such, the dwelling would be of a significantly lower height and would have a simpler, and more overtly single storey, pitched roof form than that of the appeal scheme. Consequently, it would not appear notably out of keeping with the existing prevailing pattern of single storey dwellings to the west of the appeal site, nor

² LPA Ref 75101

the single storey pitched roof dwelling, Broomclose, on the opposite side of the road.

21. I acknowledge that the design of the appeal scheme has taken design cues in terms of its form, height and appearance from a nearby 2-storey dwelling at 36 North Street, which forms a part of the established street scene at the eastern end of the village.
22. However, even accepting that the footprint, scale and massing of the 2 dwellings would be similar, the immediate context within which No.36 is sited is notably different to that of the appeal scheme. That property is on the opposite side of the road, where it fronts the highway and forms part of the long-established built urban environment of the village which is further away from the settlement edge. As such, it is not directly comparable with the context of the aforesaid rural setting of the appeal site, with bungalows to the west, within which the proposal would be sited. As such, I am not persuaded that this justifies allowing the appeal scheme, having regard to the notably different circumstances between the 2 sites.
23. Having regard to all of the above, the proposal would appear as an incongruous and unduly visually intrusive built development which would not relate well to the existing pattern of built development on the north side of North Street nor to the rural environment within which the appeal scheme firmly sits.
24. For the above reasons, I therefore conclude that the proposal would materially harm the character and appearance of the area. As such, the appeal scheme would be contrary to Policies ST04 and DM04 of the *North Devon and Torridge Local Plan 2011-2031* (2018). These policies, amongst other things, seek to ensure that new development integrates effectively with its surroundings, reinforces local distinctiveness, is appropriate and sympathetic to setting in terms of, inter alia, scale, massing, height, layout and relationship to buildings and landscape features in the local neighbourhood and reinforces the key characteristics and special qualities of the area in which the development is proposed.
25. For similar reasons, the development is also contrary to Chapter 12 of the Framework, which seeks to achieve well-designed and beautiful places.

Other Matters

26. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be close to the village settlement where there would be access to some facilities and services. It would contribute towards the Council's housing supply, and it could be built out relatively quickly, having regard to paragraph 70 of the Framework. However, by providing one additional dwelling only, the contribution would be very modest.
27. There would also be modest short term economic benefits as a result of the construction of the development, and longer term economic and social benefits from the occupation of the new dwelling.
28. Whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and

creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified in respect of the main issue.

29. The Council has raised no objections to the appeal scheme in respect of matters including neighbouring living conditions, building materials, parking, highway safety, on-site biodiversity, flood risk and drainage. The lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal in respect of the character and appearance of the area.
30. The appellant proposes to incorporate biodiversity net gain, ecological enhancements and sustainable design into the scheme. Since these are requirements of the development plan and the Framework in any case, these factors do not justify the harm I have identified in respect of the main issue.
31. I have carefully considered the appellant's requirements for a family dwelling within the locality. However, I am not persuaded by the evidence before me that a dwelling of such a size as that proposed is necessary to achieve the required accommodation. Also, I am mindful of the advice contained in Planning Practice Guidance³ that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan and the Framework.
32. The appellant has referred to the Council's procedures during the determination of the planning application. This is not a matter for consideration as part of this appeal, which I have determined on the merits of the proposal before me.

Conclusion

33. The proposed development would conflict with the adopted development plan when considered as a whole, and there are no material considerations, including the Framework, that indicate that the proposal should be determined other than in accordance with the development plan.
34. For the reasons given above, I therefore conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

³ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'