



Appeal Decision

Site visit made on 9 April 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/Q1153/W/23/3326764

Hayes, Holebrook Lane, Exbourne, Devon EX20 3SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Macklin against the decision of West Devon Borough Council.
 - The application Ref is 2613/22/FUL.
 - The development proposed is Application for the renewal of previously granted consent for 1no. dwelling (previously 1 of 2).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G Macklin against West Devon Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appellant references the Exbourne Neighbourhood Plan (NP). However, I have limited details of the status of the plan although understand that it has not been 'Made'. On that basis, I give the document little weight.

Main Issues

4. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance and historic setting of the Exbourne Conservation Area,
 - the effect of the development on local housing stock, and
 - the effect of the proposal on biodiversity.

Reasons

Character and appearance

5. The appeal site forms part of the garden to a detached dwelling of modern appearance located at the edge of Exbourne. The immediate area is characterised by two-storey residential development set off narrow lanes without pavements. The appeal site forms part of the north-eastern boundary to the Exbourne Conservation Area (CA).

6. On approach to the site from the south-west down Fore Street, the northern boundary and part of the site and adjacent lane are prominent. As a result, they form part of the verdant setting to the settlement allowing views from the CA out to the countryside beyond. The site also provides a verdant setting to the settlement on approach from the north-east along the lane as it passes the site. The proximity of the site to the countryside and its spacious verdant character form an important transition from the countryside to the more historic tight knit character of the centre of the village. These elements combine to form the significance of the CA.
7. The proposed dwelling would be set roughly in line with the front elevation of the existing dwelling. Whilst it would be screened on approach from the south-east along Holebrook Lane by existing development, parts of the proposal, particularly the large double garage, would be highly visible from the adjacent lane and Fore Street due to its scale and positioning close to the boundary with resultant effect on the existing verdant boundary. As a result, the proposal would diminish views on approach to, and out of the settlement. This would undermine the spacious verdant character of the site and harmfully diminish the important visual role that it plays in transitioning between the countryside and the wider settlement.
8. The design, materials and front building line for the proposed dwelling seek to replicate the adjacent modern dwelling. Whilst these features do not form part of the character and appearance of the village centre, the appeal site is located close to more modern development on Holebrook Lane and Manor Gardens that provide the site context to this part of the CA. As a result, a more modern design and use of materials following the adjacent dwelling and others nearby would not be harmful to the immediate area or wider CA in itself.
9. There is no dispute between the parties that development of the site is acceptable in principle. As development could take place on parts of the site further away from the northern boundary without causing harm to the CA, I have no reason to disagree. Nonetheless, the scale and position of the proposal, particularly the garage, would adversely affect the significance of the CA and the sites contribution to the wider setting. I conclude on this matter that the proposal would therefore fail to preserve the character or appearance of the CA as a whole. This is the case despite the lack of any formal written consultation with the conservation officer or Historic England. I give great weight to the asset's conservation.
10. Accordingly, the proposal would result in 'less than substantial harm' to the Conservation Area as a designated heritage asset. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 208 of the National Planning Policy Framework (the Framework) requires that 'less than substantial harm' should be weighed against public benefits of the proposal. Whilst I acknowledge the proposal would result in some public benefits, i.e. the provision of an energy efficient new dwelling and associated economic and employment benefits from construction and future spending from the occupiers, they do not outweigh the 'less than substantial harm' to the Conservation Area as a whole.
11. The proposed development is therefore contrary to Policies DEV20 and DEV21 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (Adopted March 2019) (JLP). Amongst other things, these require development proposals

to meet good standards of design, contributing positively to both townscape and landscape, sustain local character and distinctiveness and conserve and where appropriate enhance its historic environment. 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.

Effect on housing stock

12. Policy DEV8 of the JLP and DEV8.1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020 (SPD) seek to ensure an appropriate mix of dwelling types and sizes to redress an imbalance within the existing housing stock due to a higher proportion of 4 or more bed homes. The policy states that a mix of housing sizes appropriate to the area and as supported by local housing evidence should be provided.
13. The proposal is for a four-bedroom detached dwelling. In support of Policy DEV8 and the SPD, the Council also provides evidence from the 2021 Census. This shows that within Exbourne, the majority of housing stock comprises three- and four-bedroom properties. Furthermore, the percentage of four-bedroom properties exceeds the South West Devon average with the Census showing a comparative under-provision of smaller properties. As a result, there is already a significant provision of four-bedroom dwellings in the Parish.
14. I have had regard to the appellant stating that the NP and its housing needs survey provides more current evidence in relation to housing need. However, I have not been provided with the housing needs survey and as stated above, the NP carries little weight at this stage. Moreover, while the evidence before me in relation to the NP and housing needs survey detail a need for housing within the settlement, including affordable housing, it does not demonstrate a local housing need for a four-bedroom dwelling or demonstrate that its provision would broaden choice for residents and redress an imbalance in accordance with Policy DEV8 of the JLP and the SPD that require proposals to be supported by local housing evidence.
15. I acknowledge above that the site is suitable for residential development in principle and provision of a dwelling would aid the housing requirement for the area. I also acknowledge that there would be some likely demand for a new four-bed dwelling in the area with any harm to the housing stock minimal given that the proposal is for a single dwelling. However, I have not been provided with definitive local housing evidence demonstrating that the proposal would not add to an existing imbalance and relative lack of smaller dwellings. Furthermore, in light of my findings above, the site would be able to contribute towards addressing any imbalance through a different layout and form of development.
16. In conclusion on this matter, the proposal would materially alter the balance of the existing housing stock. As such, it would conflict with the aims of Policies DEV8, TTV1, TTV2, SPT1 and SPT2 of the JLP and DEV8.1 of the SPD. Amongst other things, these seek to deliver housing in Sustainable Villages that meet locally identified needs, location of housing where it will enhance or maintain the vitality of rural communities, equality of opportunities and create neighbourhoods and communities which have a good balance of housing types and tenures to support a range of household sizes, ages and income to meet identified housing needs.

Biodiversity

17. The appeal site comprises mainly mowed grassland with boundary hedgerows and trees. As a result, the site has the appearance of a maintained residential garden.
18. While the planning application form states that the appeal site area is 0.16ha and therefore exceeds the threshold for the requirement for an ecology survey, the Council did not request such a survey as part of the application. Moreover, the appellant has subsequently confirmed that the site area is smaller than the threshold.
19. In light of the above, in the absence of any detailed evidence indicating the likely presence of protected species within the site, and subject to conditions protecting retained boundary planting during and after construction, there is little evidence indicating that the proposal would have a harmful effect on protected species.
20. With regard to Biodiversity Net Gain, Policy 26 of the JLP supports the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the plan area. The site is not designated for its biodiversity value. Policy 26 further states that net gains in biodiversity will be sought from all major development proposals. The development is not a major development proposal.
21. I acknowledge that DEV26.5 of the SPD encourages minor developments to deliver measurable net gain, but this is not a requirement, and the application is not subject to statutory biodiversity net gain. Furthermore, additional planting that would have associated biodiversity benefits could be secured by condition should the appeal be allowed.
22. For the reasons outlined above, the proposal would not harm biodiversity. As such, it would accord with the provisions of policy DEV26 of the JLP.

Other Considerations

23. The proposal would provide benefits from the provision of an energy-efficient new dwelling and associated economic and employment benefits from construction and future spending from the occupiers. However, given the small scale of the proposal, these benefits would be limited.
24. I have had regard to the previously approved scheme on the site¹. However, this was over 10 years ago, was not implemented and was considered against different development plan policies that I do not have copies of. It also pre-dates the Framework. Moreover, I am required to consider the current appeal on its merits and against policies in the JLP and the Framework. As a result, I give this previous consent limited weight in my consideration.
25. The provision of suitable access, parking, landscaping and lack of harm to biodiversity and living conditions are neutral in my consideration as they are requirements of local and national planning policy.
26. The appellant raises concerns regarding the conduct of the Council during its consideration of the planning application. However, these are not matters which are for consideration in this appeal.

¹ 01101/2010

Conclusion

27. Although I have found no harm in terms of biodiversity and that a modern design would not be harmful in itself, the proposal would fail to preserve or enhance the character or appearance of the CA and fails to demonstrate that it would provide a dwelling size appropriate to the area. In my view, these are the prevailing considerations, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
28. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR