



Appeal Decision

Site visit made on 25 June 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2024

Appeal Ref: APP/Y1110/W/24/3340520

Land at corner of Church Hill and Church Lane, Pinhoe, Exeter EX4 9JG

- 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 Chris Winter of West of England Developments Ltd. against the decision of Exeter City Council.
 - The application Ref is 22/1610/FUL.
 - The development proposed is erection of a detached, single dwelling with garage, access, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the Council's decision notice. It is more precise than that shown in the application form. Additionally, it is similar to that provided in the appellant's appeal form.

Main Issue

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

Reasons

4. The appeal site comprises an attractive and undeveloped field on the elevated northern fringe of Exeter. It is physically separate, but not remote from the built-up area of the city. A smattering of mostly road fronted, exposed, sporadic housing is found in the wider area, including on higher ground. Despite this, the appeal site is surrounded by narrow lanes, fields and woodland that provide a good degree of tranquillity. From the appeal site and its surrounding environs, wide ranging views of the city are available. This strong topography and sense of place is recognised in the Council's Devon Landscape Character Assessment (LCA). Within this context, it is said that the area has been subject to gradual gentrification, eroding the rural character.
5. At a more local level, the appeal site is identified as being within Area 8 of the Exeter Fringes Landscape Sensitivity Study 2007 (ELS). Here, a submitted extract of the LS identifies that *the area has very limited capacity for housing because of its prominence, rural character and intrinsic sensitivity except single properties in very carefully located positions avoiding wider visibility*. The appellant refers to a more recent Landscape Character Assessment (2022) that reaches similar findings to the ELS. However, they assert that this and the

- emerging Exeter City Local Plan should be afforded limited weight, which has not been contested.
6. Having paid regard to the submitted Spruce Close appeal decision, there is no dispute that the ELS makes no allowance for buildings or vegetation and only provides a general guide to the sensitivity of the area. Nevertheless, like the LCA, it is of material relevance to this appeal. It also informs Policy CP16 of the Exeter City Council Core Strategy, February 2012 (CS). However, it does not have the force of policy.
 7. Amongst other things, Policy CP16 of the CS aims to protect and enhance environmental assets and local identity, which is consistent with Chapter 15 of the National Planning Policy Framework (the Framework). Additionally, the policy says that the character and local distinctiveness of the *hills to the north and northwest*, where the appeal site lies, will be protected. The policy does not preclude development, though it does not specifically state that single properties will be permitted. Amongst other things, Policy LS1 of the Exeter Local Plan First Review, March 2005 (LP) says that proposals should maintain local distinctiveness and character.
 8. In that respect, the appellant submits a Landscape & Visual Statement with its addendum and additional viewpoints. Despite communication with the Council's Urban Design representative, there is little to suggest that the additional work formed part of the Council's critique of the appellant's overall landscape assessment.
 9. Nonetheless, having paid regard to the evidence, including nearby appeal decisions, I took the opportunity to view the appeal site from a number of possible vantage points. Consequently, I am satisfied that I was able to appreciate the resulting effect of the development on the immediate and wider area. In that context, the appellant says the building would not break the ridgeline. The intervening woodland, vegetation and rising topography means that longer distant views of the proposal would be likely to be very limited. Despite the large amount of glazing, these screening features would also be likely to limit the amount of harmful light spill.
 10. However, it is within the closer vicinity of the appeal site where sensitivity to change would be most pronounced. Although there are properties near the public footpath to the south of the appeal site, and others further away to the north, the development would be located in a space that has transitioned into countryside. Between the vegetation, there are currently some views towards the appeal site from the public footpath. However, the making good of a small corner area, along with proposed native hedge planting and trees would be likely to provide effective screening to the lower part of the appeal site over time.
 11. The proposal has taken architectural cues from the Devon Longhouse and has been designed to use the site's topography, incorporating a green, flat roof. In that respect, it is not disputed that the proposal would deliver a well-designed, sustainably constructed property with appropriate use of materials, in accordance with CS Policy CP17. Even so, it would be particularly wide and positioned in a central part of the field. This, together with the overall bulk and massing of the development, would result in an unusually positioned and projecting feature in this sensitive landscape. It would permanently diminish the contribution this characterful field makes to the local area.

12. Furthermore, the creation of the vehicular access would erode the continuous and unaltered stretch of hedgebank. In doing so, it would expose much more of the built form of the property. Additionally, the comings and goings, and domestic paraphernalia associated with a residential use of the whole site would have an urbanising effect. For these reasons, the scheme would irrevocably disturb, rather than protect the natural landscape. The landscape harm could not be alleviated by the proposed or additional landscaping.
13. The appellant claims that most people would use the off-road public rights of way rather than the unpaved roads by the appeal site. I did however observe a dog walker approaching Church Lane from the north and the presence of an informal cut through off Church Lane towards the footpath. This lane also provides access to the nearby church where its visitors may choose to arrive by vehicle, bicycle, or foot. As such, the local road network would be likely to be well used by all road users.
14. It is asserted that the appeal site would be effectively screened from all viewpoints. However, at my summertime visit when trees and vegetation were mostly in leaf, I observed attractive glimpsed views into the appeal site along Church Lane. Similar views of an adjacent field, rather than the more distant property known as Church Lawn, can also be appreciated here. This adds to the rural nature of the appeal site's setting. Furthermore, the existing gated entrance at the appeal site's corner provides expansive public views of the city with the natural landscape of the appeal site in the foreground. Notwithstanding the mock up view taken from one angle of the entrance, for the above reasons, these views would be harmfully interrupted by the development. Public art/signage at the pedestrian entrance would not overcome this harm.
15. In part, Policy CP4 of the CS supports development that achieves the highest appropriate density compatible with the protection of the character and quality of the local environment. I agree with the appellant that there is a range of property type in the wider area and that the provision of a higher density road fronted scheme would be likely to have a suburban influence on the appeal site. However, for the above reasons, the density of this scheme would not protect the character and quality of the local environment. There would consequently be conflict with CS Policy CP4.
16. For the above reasons, the proposal would cause significant harm to the character and appearance of the area. As such, it would be in conflict with policies CP4 and CP16 of the CS and Policy LS1 of the LP. There would be conflict with paragraph 135 of the Framework which says, amongst other things, that decisions should ensure developments are sympathetic to local character and landscape setting. There would also be conflict with paragraph 180 of the Framework which says that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside.

Other Matters

17. My attention has been drawn to a number of appeal decisions for large housing schemes where the effect on the character and appearance would be materially different to this proposal. In any case, I have determined the appeal on its merits, based on the evidence before me and my own observations.

Planning Balance

18. The Council says it is unable to demonstrate a 5-year supply of deliverable sites. Paragraph 11 (d) of the Framework indicates that in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The site is within an area where the evidence shows that adverse impacts of residential development on the Exe Estuary Special Protection Area can be satisfactorily mitigated through a CIL payment. Therefore, any such impacts from the development do not form a clear reason for refusal.
20. The housing land supply position means that LP policies LS1 and H1 are deemed to be out-of-date. Additionally, Policy LS1 supports an overly restrictive approach to development in the countryside, which is not consistent with the Framework. Therefore, in respect of this matter, I have attached the conflict with these policies very little weight. This matter has not been disputed.
21. The social benefits of housing delivery carry significant weight, although these are tempered by the fact that a single dwelling would make a very modest contribution to addressing the housing shortfall. The scheme would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. Furthermore, there would be some biodiversity enhancements.
22. Against these benefits I need to balance the adverse impacts. The need to conserve and enhance the natural and built environment are important considerations and ones which are embedded in the Framework. The harm arising to the character and appearance of the area would run contrary to the social and environmental objectives of sustainable development. This harm carries substantial weight and would significantly and demonstrably outweigh the benefits. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

23. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR