



Appeal Decision

Site visit made on 9 October 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/U1105/W/23/3334118

Kilmore House, Poltimore, Devon EX4 0AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr and Mrs Reeves against East Devon District Council.
 - The application Ref is 22/0349/OUT.
 - The development proposed is outline application for an exception site comprising of 4 affordable houses and 2 open market houses making 6 dwellings in total.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved.
3. Prior to the submission of the appeal the scheme was amended to 3 affordable dwellings and 1 open market house. The Council does not appear to have carried out further consultation based on this revision. However, this is an outline application. Although a site layout plan has been prepared, this is indicative only and merely serves to demonstrate how the proposed development could be accommodated at the site. The detailed design of the development, including its relationship with surrounding dwellings, would be considered and consulted on as part of a reserved matters application. Thus, I am satisfied that I should determine the appeal on the basis of the amended scheme, and no party would be prejudiced by my doing so.
4. Notwithstanding the description of development set out above, which is taken from the application form, it is clear for the reasons given that the development comprises 3 affordable dwellings and 1 open market house. I shall determine the appeal on this basis.

Background and Main Issues

5. The appeal results from the Council's failure to determine the application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted by the Council during the appeal process, which set out the main areas of dispute. These relate to the principal of the development in the proposed location, and its impact on the character and appearance of the area.

6. Accordingly, the main issues for the appeal are:
- Whether the site is suitably located for the proposal, and
 - Its effect on the character and appearance of the area.

Reasons

Location

7. The appeal site is towards the edge of the small village of Poltimore. It is outside the built-up area of a settlement as defined by the East Devon Local Plan 2013 to 2031 (EDLP) where new development is strictly controlled. An exception is provided by Strategy 35 of the EDLP. The evidence before me suggests that there is a proven local need for housing, and that the proposal would provide at least 66% affordable housing; both are requirements of Strategy 35.
8. The Strategy also requires proposals to be physically very well related to the built form of the village. Poltimore is a small settlement. The village core is to the west of the site with a reasonable concentration of residential development in the area between the main road and Hatchland Road. Two bungalows extend away from here towards the appeal site. The appeal site sits in an open area between the two bungalows and Kilmore House. Kilmore House is separated from the village by this open area, which has the appearance of a paddock and links in visually with the surrounding countryside. Therefore, whilst the appeal site is close to the village, it links an outlying house to a low-density length of ribbon development that extends away from the village core and cannot be described as very well related to the built form of the village.
9. The Policy also specifies that the proposal should be close to a range of community services and facilities. It clarifies that this should include four or more from a list. Poltimore is a very small village with limited services, as confirmed by the submitted housing needs survey¹. Of those listed the village has a Church, farm shop and village hall. Bus services to the village are very limited. A regular bus service runs from Poltimore Gate into Exeter, but accessing this from the site would involve a considerable walk along a country lane that is unlit and without a dedicated pedestrian path so would not be attractive to most as part of a regular commute. The small number of businesses that are based in the village would not be sufficient to provide future occupants with meaningful employment opportunities or meet their day-to-day needs as service users.
10. I note that the Council's Housing Strategy/Enabling Officer is supportive of the proposal and suggests that it is within the spirit of what Strategy 35 seeks to achieve. However, it does not accord with the two clear and specific criteria that I have addressed above, and supporting text to the Strategy establishes the need to apply the stipulations rigorously to avoid prejudicing the environmental conservation policies of the plan. Furthermore, the Strategy groups Poltimore with other parishes for the purposes of affordable housing provision. Whilst it is important for people to be housed in communities where they have a connection, the other settlements in the group are nearby. Broadclyst has a range of services and has sites allocated for affordable housing. This further weakens the case for the proposal.

¹ Parish of Poltimore Housing Needs Report February 2019.

11. Policy TC2 of the EDLP seeks to minimise the need to travel by car and establishes that new development should be located so as to be accessible and well related to compatible land uses. Although electric cars and bikes are becoming more popular, most still use fossil fuelled cars and therefore directing development to existing larger settlements with a good range of services and accessibility remains an important consideration.
12. There is nothing before me to suggest that the provision of 4 new homes would be necessary to maintain the vitality of Poltimore as a rural community, or that its limited facilities are at risk.
13. In summary, Poltimore is a small village in a rural location and away from larger settlements. Future occupants of the proposed dwellings would be dependent on a car to meet their day-to-day needs, and the proposal would not accord with the exception provided by Strategy 35. The appeal site would not therefore be suitably located for the proposal.

Character and appearance

14. The appeal site and surrounding area has a distinctive rural character, with notable mature trees. Adjacent development takes the form of single plots and is linear, and the gap of the appeal site is valuable as it limits the extent of ribbon development fronting the road and allows views through the site to the surrounding countryside.
15. By filling the gap between the existing dwellings, the proposal would link Kilmore House to the existing ribbon development. In doing so it would consolidate the existing built form and create a continuous stretch of development that would extend away from the village core. This would be of a greater depth than existing development with plots set behind those fronting the road and would introduce a more urban arrangement that would formalise and extend the developed edge of the village and erode its rural setting.
16. The proposal would therefore fail to accord with Policies D1 and D2 of the EDLP, which together seek to ensure that proposals respect the key characteristics and special qualities of an area and integrate with its surroundings and setting.

Other Matters

17. The Council advises that it can only demonstrate a 4.5-year housing land supply. Paragraphs 77 and 226 of the National Planning Policy Framework (Framework) establish that for those Local Planning Authorities that have an emerging local plan that has reached the Regulation 18 stage a 4-year supply needs to be demonstrated. This is the case for the Council. Accordingly, paragraph 11 d) of the Framework is not engaged.
18. The appeal site is close to the European habitat designations of the Exe Estuary and Pebblebed Heaths and within the Clyst Valley Regional Park. The Council states that a financial contribution has been secured to mitigate the recreational impacts that arise from the provision of new dwellings. Additionally, the appeal site is within a County Wildlife Site, and the proposal would have an impact on its ecological value. However, as I am dismissing the appeal for other reasons, these impacts would not occur and these matters do not therefore need to be considered further.

19. The submissions also refer to the potential impact on the setting of Poltimore House, which is a grade II star mansion house with a significant area of associated parkland. Following the various revisions to the scale of the proposal, and the submission of the indicative layout, Historic England has advised that the revised proposal allows for a greater appreciation of the parkland to be retained through the open landscape and parkland trees, and that the scheme better reflects the role the site plays within the setting of Poltimore House. Furthermore, the Council notes that the original objections have been overcome by the reduced scheme, and that a suitable development could be achieved that would be acceptable in heritage terms.
20. Therefore, whilst the proposal would harm the character and appearance of the area more generally, I find no reason to disagree with the findings above in respect of its impact on the significance of Poltimore House. In coming to this view I have had special regard to the desirability of preserving a listed building or its setting in the context of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

21. Subject to the grant of a reserved matters submission, the proposal would deliver four dwellings, which in the context of the Council's housing land supply position and Government's objective to significantly boost the supply of housing, should attract a reasonable degree of weight. Three of the dwellings would be affordable, which would further weigh in favour of the proposal. The proposal is however contrary to key Policies within the EDLP that control the location of new development to manage the conservation of the area and minimise travel by private car. Additionally, the proposal would harm the character and appearance of the area.
22. The proposed development would therefore be contrary to the development plan and material considerations, including the provisions of the Framework, are not sufficient to outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should be dismissed.

A Tucker

INSPECTOR