



Appeal Decision

Site visit made on 11 March 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/U1105/W/24/3352696

Coryhill, Road from Hilcote Cross to Clapper Lane, Combe Raleigh, Devon EX14 4TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Padget against the decision of East Devon District Council.
 - The application Ref is 24/0673/OUT.
 - The development proposed is the construction of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Comments of the main parties have been sought, and consideration has been given to those received in reaching the appeal decision.
3. The appeal site is within the Blackdown Hills National Landscape (NL). As required by S245 of the Levelling-up and Regeneration Act 2023, special regard has been paid to seeking to further the statutory purposes of the NL to conserve and enhance their natural beauty.
4. The original application was submitted for outline planning permission, and the application form makes it clear that approval is sought at this stage for access. Drawings have been submitted with the appeal that show the site layout, floorplan and an elevation of the dwelling (ie drawing refs 424.2. and 424.3.), albeit these drawings have been annotated as indicative. The Council considered these drawings upon that basis, and for the avoidance of doubt the appeal has been considered in the same way, with approval sought at outline stage only for access, with all other matters reserved for future consideration.
5. The appeal property is referred to as both Cory Hill and Coryhill within the appeal submissions. At the entrance to the appeal site the property is described as Coryhill and this is the spelling used in the decision.

Main Issues

6. The main issues in this case are:-
 - the effect of the scheme on the character and appearance of the area having particular regard to it being within the Blackdown Hills National Landscape; and
 - whether the scheme would be in a suitable location for residential development.

Reasons

Character and Appearance

7. The appeal site comprises part of the garden of Coryhill and is currently an area of lawns and trees, with a timber shed close to the existing access. Coryhill is a detached house positioned within generous gardens which slope downhill towards the east and south. Beyond the gardens are paddocks and fields that are mostly used for grazing. To the north of the property is a small residential estate of detached houses.
8. The site is within the Blackdown Hills National Landscape (NL). The undulating topography creates an attractive and distinct character and appearance to the area, and one where the landscape dominates. The presence of woods and copses particularly on the higher land makes a leafy contrast to the farmland on the valley sides and bottoms. There are expansive views from high land, with an intimate enclosure within the valleys. This enclosure is emphasised by the presence of numerous hedges and trees bounding many of the rural lanes and fields. The village has a discreet impact within the landscape, in part due to its position upon a hillside and also because there are hedgerows along Clapper Lane. The dominance of the topography and that of the patchwork of fields and woods creates an attractive, tranquil verdant appearance to the area, all of which are part of the special qualities of the NL.
9. The appeal site is at one end of the village, and the existing house is elevated above the level of the lane. This house forms a distinct and defined edge to the village. The appellants consider the site to be brownfield land, and that the scheme would accord with national objectives to prioritise the development of such where they are within a settlement. The Framework excludes gardens in built-up areas from the definition of previously developed land, albeit the *Dartford Borough Council v Secretary of State for Communities & Local Government* [2016] EWHC 635 (Admin) judgement found that this does not extend to private residential gardens that are not in built-up areas, such as in the open countryside.
10. In this case the garden is at the edge of the village and the proposed dwelling would not be isolated from those nearby as it would extend the line of homes found to one side of Clapper Lane. The existing use of the site as a garden is legibly subservient in form and function to Coryhill, and creates an open transitional interface between the row of houses to the north and the fields to the south. Although considered to be infill development by the appellants, the dwelling would not fill a gap between existing buildings, but would intrude into an open area, with the consequential impact of extending the spread of residential buildings well beyond the edge of the village. An additional dwelling in this location would further urbanise Clapper Lane, thereby eroding the verdant approach to the village, with the eastern side of the lane becoming dominated by a long, loosely spaced row of detached homes.
11. Appearance is a reserved matter, albeit the intention would be for the single storey dwelling to be constructed from natural stone and render, with the appellants suggesting a condition to stipulate height. Coryhill and the dwellings within the estate are large, detached houses composed of a variety of materials, all with conventional forms and mostly two storey in height. There are a greater variety of house types near the church, including some historic properties of vernacular styles

- and materials. In such a context a single storey dwelling would appear awkwardly different at the end of a row of houses with conventional styles, sizes and forms, and particularly so given the prominence of the site when entering the village.
12. Sharing the existing access and part of the drive of Coryhill would reduce the proliferation of domestic accesses along the lane. Notwithstanding this, an additional home would extend the spread and concentration of development along the lane as there would be a duplication and intensification of residential paraphernalia and activity, all of which would intrude into and erode the tranquillity of this remote rural location and the contribution it makes to the landscape and scenic beauty of the NL.
 13. Given the elevated positioning of the site even a single storey dwelling would be visible when approaching the village from the south. It might be the case that the existing hedges could be retained by a condition, but landscaping cannot be relied upon to screen a development for its lifetime, particularly so in this case given the attractive views that would be available to future occupiers.
 14. There is a statutory duty to conserve and enhance the natural beauty of an NL, with the Framework requiring great weight to be given to conserving and enhancing their landscape and scenic beauty. This objective is also reflected in Strategy 46 of the East Devon Local Plan (2016) (LP), as it requires development to conserve and enhance the quality and local distinctiveness of the landscape character of the NL. For the reasons given above, the scheme would unacceptably harm the character and appearance of the area, neither conserving nor enhancing the NL, and the suggested conditions would not overcome these fundamental harms. As such the scheme would conflict with these statutory requirements, with those of the above referenced Strategy and with those of national policy.

Location

15. Combe Raleigh is a small village having limited day-to-day facilities, with regular community groups occurring and a recent permission for a farm shop near to the appeal site, albeit whether it has been implemented has not been detailed. There is a bus service to nearby towns, but it provides no evening or Sunday service, and the bus stop would be over 0.7km away for future occupiers. Given the limited level of services, facilities and employment opportunities available within the village, future occupiers of the dwelling would be reliant upon private cars.
16. The nearest town would be Honiton within which there are a wide range of services and facilities, including schools and health services. The distance to the town centre would be less than 2km, and it may be the case that some residents of the village frequently walk there. However, walking to and from the town would necessitate using a narrow lane that is unlit, has no public footway and limited passing places. There are also several sharp bends near the village that restrict forward visibility, and in some places the undulating gradients are steep. The lane is included within a promoted cycle network, and the Manual for Streets describes a walkable neighbourhood as being a range of facilities within 10 minutes away. Nevertheless, walking or cycling to the town along such roads, particularly in the dark may not be an attractive alternative to the car for some future occupiers.
17. LP Strategies 1, 2, and 3, set out the spatial strategy for housing, prioritising development in the towns and large villages, with LP Strategy 7 requiring

development in the countryside to not harm the distinctive landscape. In addition, Strategy 5B seeks to promote and secure sustainable modes of transport, with Policy TC2 requiring that new development should be located to be accessible by pedestrians, cyclists and public transport. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that rural housing should be responsive to local needs, an objective reflected in LP Strategy 46 with development in NLs being permitted if it would be appropriate to the social and well-being of the area.

18. There is support from local residents for the scheme as it would allow the appellants to downsize and a new family could come into the village, with the appellants considering this would accord with the requirements of LP Strategy 4 to create a balanced community. However, the provision of an open market dwelling to accommodate the appellants would be a personal benefit rather than address a local community need. There are limited services and facilities within the village, and the provision of an additional home would have little impact upon enhancing or maintaining them or the vitality of the village.
19. The Framework requires that new development should minimise the scope for conflicts between pedestrians, cyclists and vehicles and for the reasons given above walking or cycling along the rural lanes to Honiton would not be a safe, attractive alternative to the private car. Having regard to the requirements of both national and local policy, the scheme would fail to accord with them.

Planning Balance

20. The Council cannot demonstrate a five-year housing land supply, and an additional home would make a small but important contribution given the acute level of shortfall of provision in the Council's area (at about 2.97 years). However, whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Irrespective of the Council's housing land supply shortfall, the policies within the Framework that protect assets of particular importance, in this case NLs, provide strong reasons for refusing the scheme.

Conclusion

21. There would be conflict with the development plan when considered as a whole, and there are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR