



Appeal Decision

Site visit made on 3 September 2025

by F Webber BSc (Hons), MSc, MRTPI, ACSM

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025.

Appeal Ref: APP/W1145/W/25/3367934

Land adj to Well Meadow, Juries Lane, Great Torrington, Devon EX38 7DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Gavin Topham against the decision of Torridge District Council.
 - The application Ref is 1/0212/2025/PIP.
 - The development proposed is for residential development up to 3no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development above to be that used in the decision notice of the Council, which has been transcribed to the appeal form as submitted by the appellant.
3. The permission in principle consent route has 2 stages. The scope of this appeal, being the first stage, is limited to location, land use and the amount of development to be permitted. All other matters are considered as part of the second stage, Technical Details Consent (TDC), where a permission in principle has been granted.

Main Issues

4. The Council did not raise any concerns in respect of land use, noting that residential use of this site would be acceptable in principle. Therefore, the main issues are whether the site is suitable for residential development, having regard to its location and the amount of development with particular regard to transport accessibility and the effect on the character and appearance of the area.

Reasons

5. The site is currently accessed off Juries Lane, through the vehicular entrance to Well Meadow, the adjacent property. The Council acknowledges that the dwelling of Well Meadow falls within the defined development boundary for Great Torrington but has indicated that the appeal site does not.
6. From the existing entrance, Juries Lane further defines the development boundary, which extends beyond the furthest extent of the appeal site. Within the development boundary, at this point, is a recently completed housing development that is set back from the lane due to the steep topography of the river valley.

7. External views of the appeal site, from the recent housing development, are limited by virtue of separation and the densely vegetated Devon hedges on either side of Juries Lane. However, views of the site are afforded from a public right of way (PROW), which runs parallel to the appeal site boundary. In common with the topography of the area, including the appeal site, the PROW falls steeply away from Juries Lane. This PROW gives access to Torrington Commons and the countryside beyond, which is generally pasture bordered by hedgerows and woodland.
8. The appellant has indicated that the existing boundary planting would be retained and where necessary supplemented by additional planting subject to the TDC stage of the permission in principle regime. During the site visit I viewed the site from PROW Great Torrington Footpath 5, accessed off the road leading to Crowbeare and Darracott. Due to the nature of the valley, I had direct line of sight into the site and whilst the existing boundary treatment screened the lower edge of the site, much of the upper slope and garden structures within were visible. Whilst additional planting to the lower boundary may ameliorate some of the visual effects arising from the proposed dwellings, it is unlikely that the built form could be wholly screened from external views.
9. Despite the site being close to local services, the access would be via Juries Lane and Gas Lane. For most of their length, these lanes do not have footways, lighting and verges. I noted on my site visit that there are few opportunities, on Juries Lane in particular, to allow for the safe passing of pedestrians, cyclists and motorised vehicles, due to it being single track and there being a lack of passing places. I consider that there is potential for effects on highway safety, in particular for non-motorised users of the highway, arising from any increase in vehicular use of these lanes. In addition, the provision of parking for 6 cars indicates reliance on private cars for transport.
10. Regarding transport and accessibility, the standing advice provided by the local Highway Authority indicates that highway safety would be considered at the TDC stage. Notwithstanding, the National Planning Policy Framework (the Framework) at paragraphs 115, 116 and 117 requires that effects from a development on highway safety can be mitigated to an acceptable degree. The Framework also directs that development proposals should seek to minimise the scope for conflicts between pedestrians, cyclists and vehicles. The appellant has identified the proximity of the town, however, there is little evidence that access, for pedestrians and cyclists from the development, would be safe or convenient, or could be made to be so. As such, occupants of the development in this location would be highly reliant on private vehicles. Regarding location in terms of visual effects, the development of the site would result in the introduction of a built form not in keeping with the character and appearance of the countryside.
11. Consequently, the proposed development would not be suitable for housing having regard to its location and scale as it would result in significant harm to the character and appearance of the area and be significantly poor in terms of transport accessibility. The proposal is contrary to Policies DM04, DM08A, ST06, ST07, ST14 and GTT of the North Devon and Torridge Local Plan 2011-2031 (NDTLP) adopted October 2018 that requires the provision of safe and appropriate access onto the highway, protects and respects the character of undesignated landscapes, maintains the integrity of the setting within Great Torrington Common and does not result in encroachment into the countryside.

Planning Balance

12. The proposal would be to build open market dwellings. The Council acknowledges that they cannot demonstrate a 5-year supply of deliverable housing land, confirming that the Torridge District Council Housing Five Year Land Supply Statement Addendum (January 2025) states the supply to be 4.86 years. Consequently, due to the provisions of Policy ST01 of the NDTLP and of footnote 9, paragraph 11 (d) ii of the Framework is engaged. These policies set out that planning 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.
13. The Framework encourages residential development in locations where it would support housing supply, making effective use of land in sustainable locations and provide affordable homes, individually or in combination. The appeal scheme would be located close to the town and could deliver some benefits to the local economy through short term construction and use of local shops. It would also contribute towards housing supply and choice. Although the appeal proposal would boost housing supply, it is only for a minimum of 1 and a maximum of 3 new dwellings and therefore its contribution to future housing provision would be very small.
14. I consider that the effects, arising from the reliance on private cars would exacerbate conflict between vehicles and non-motorised users of Juries Lane and Gas Lane and would result in issues relating to highways safety. In addition, the built form encroaching into the countryside would not be in keeping with the character and appearance of the landscape. Consequently, the adverse impacts of granting permission in principle would significantly and demonstrably outweigh the relatively limited benefits resulting from the proposal when assessed against the Framework as a whole. There are no other material considerations which indicate that the proposal should be determined other than in accordance with the development plan, for which I have already found conflict.

Other Matters

15. The appellant has cited Policy DM24 of the NDTLP seeking to identify the site as being within a rural settlement. The dwelling known as Well Meadow has however, been identified as being within the development boundary of Great Torrington and I therefore consider that the site does not fall within a rural settlement but as previously been identified as lying within the countryside.

Conclusion

16. The proposal would conflict with the development plan as a whole. The material considerations, including the application of policy within paragraph 11 of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

F Webber

INSPECTOR

