

Appeal Decisions

Site visit made on 15 March 2016

by R M Pritchard MA PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 April 2016

Appeal A : Ref: APP/P1133/W/16/3143222

Plumtree Cottage, Road from Bottom Bridge to Greatoak, Abbotskerswell, Newton Abbot, Devon, TQ12 5PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Derek Belloti against the decision of Teignbridge District Council.
 - The application Ref 15/02506/FUL, dated 27 August 2015, was refused by notice dated 18 November 2015.
 - The development proposed is the erection of a bungalow and double garage with access drive, parking and turning facilities.
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Appeal B : Ref: APP/P1133/W/16/3143226

Plumtree Cottage, Road from Bottom Bridge to Greatoak, Abbotskerswell, Newton Abbot, Devon, TQ12 5PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Derek Belloti against the decision of Teignbridge District Council.
 - The application Ref 15/02507/FUL, dated 27 August 2015, was refused by notice dated 18 November 2015.
 - The development proposed is the erection of a chalet bungalow with access drive, parking and turning facilities.
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Decisions

APPEAL A :

1. The appeal is dismissed.

APPEAL B :

2. The appeal is dismissed.

Procedural Notes

3. These two appeals refer to proposals on separate but adjoining parcels of land in the same ownership and both currently forming part of the curtilage of Plumtree Cottage. Appeal A refers to an area of land immediately south of the existing property, whilst Appeal B refers to land to the east. Both proposals would share an access from a lane that runs south out of the village of
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Abbotskerswell. Appeal A is for a bungalow with an 'L' shape form: Appeal B is for a chalet bungalow of rectangular form.

4. The proposals are not alternatives but would provide two new dwellings. Both applications were submitted on the same day and were refused by the Council on the same day and for the same reasons, which are reflected in the main issues I have identified below. The appellant has submitted identical grounds of appeal and I consider that the same matters are raised by both proposals. Notwithstanding this, I have also considered whether either proposal might have benefits or disadvantages that distinguish it from the other and whether any additional issues are raised were both proposals to be implemented.
5. There is some difference in the appeal papers as to the spelling of the appellants' name. I have used the form included on the application.

Main Issues

6. I consider the main issues to be -
 - i. Whether the proposed developments would meet local housing policies for development; and
 - ii. Their effects on the character and appearance of the surrounding countryside.

These main issues are common to both appeals but I shall also consider the impact of Appeal A and B separately and if implemented together.

Reasons

Whether the proposed developments would meet local housing policies for development

7. The Teignbridge Local Plan, 2013 – 2033, as adopted in May 2014, includes two, principal policies that govern the location of new development as applicable to the appeal proposals. Policy S1 sets out broad criteria that relate to the suitability of the sites for future development in relation to the sustainable development objectives that lie at the heart of the Government's National Planning Policy Framework ('the Framework'). Amongst the criteria are the need to maintain or enhance the character of affected landscapes and settlements.
8. Policy S1 is supplemented, so far the appeal proposals are concerned, by Policies S21 and S22. The latter applies to open countryside, i.e. areas outside the boundaries of those settlements listed in the policy and the villages listed in Policy S21 (which include Abbotskerswell). In these open countryside areas, '*...development will be strictly managed...*' In respect of residential uses, new development will be limited to affordable housing for local needs, gypsy and traveller pitches and dwellings for necessary rural workers.
9. There is no dispute that both the proposals before me are outside the currently defined settlement limit of Abbotskerswell and do not meet any of the 'exception' criteria listed in Policy S22. I have particularly noted the comments of Abbotkerswell Parish Council (PC) in this respect. The PC has commented that the principle need of the village is for affordable housing. Both proposed developments are for open market housing and therefore cannot qualify as

'rural exception sites'. I am therefore clear that both proposed developments are contrary to the recently adopted Local Plan for Teignbridge.

10. The appellants do not dispute the above but suggest that other material considerations, as highlighted in Section 38(6) of the Planning and Compulsory Purchase Act 2004, justify setting aside the provisions of Policy S22.
11. The first material consideration relates to whether Teignbridge has a five year supply of housing land as required by Paragraph 47 of the Framework. The Council is clear that it currently has such a supply. Moreover, the appellants themselves cite the latest housing land supply position as of July 2015 as indicating a supply of 7.24 years. However, they then point to two factors that they consider should cause that estimate to be questioned.
12. The first is whether the July 2015 figure includes the 20% buffer that the Inspector examining the Local Plan apparently considered necessary to account for past under-delivery. However, even if such a 20% buffer is incorporated in the July 2015 figures, the resultant land supply would still be 5.14 years. I therefore give no weight to this point.
13. The second factor is that forecasts of future housebuilding in the area – which the appellants here see as a wider area encompassing much of Torbay as well as Teignbridge – have been over-estimated. Those over-estimates principally derive from the appellants' assessment that lower to be expected completion rates will be attained on large sites by major developers. The appellants thereby argue that there will need to be a greater contribution from smaller sites, including 'windfall sites', to which category they allocate their own land.
14. The appellants suggest that the Council's five year land supply position needs '*...to be examined in some detail...*' However, in circumstances when the Local Plan has been found to be sound and has been adopted so recently, and where, by the appellants' own admission, there continues to be a current five year supply of available housing land, I am not persuaded that this is the time or place to do so. Those reservations are reinforced by the untested nature of the appellants' evidence, which this appeal provides no opportunity to examine fully and much of which depends on comments made on the neighbouring Torbay Local Plan by another Inspector in another context. I therefore give limited weight to the criticisms of the current housing land supply position in Teignbridge submitted by the appellants.
15. The second material consideration cited by the appellants derives from the conclusions of the Teignbridge Local Plan Inspector when he commented, in relation to Abbotskerswell that, '*Other smaller site[s] within or abutting the current settlement limits would be considered on their merits but do not justify allocation in the Local Plan*'. The appellants suggest that their sites qualify under the above comment and that the settlement limits for Abbotskerswell, established some twenty years ago, may need to be amended.
16. I cannot comment on the latter point although were a review to be undertaken, consideration would no doubt be given as to whether the settlement boundary for the village should be extended to include the appeal sites. Notwithstanding that, I have reservations about how far the appeal sites meet the comments made by the Local Plan Inspector. Neither site, in my view truly 'abuts' the current village boundary. Apart from the distinct, existing gap between the properties on the south-east edge of the village and Plumtree Cottage, the

siting of both new proposals is such that their development would not provide a natural extension of the village. Both would therefore represent an obvious intrusion into the open countryside.

17. Moreover, I can make no distinction between the proposals in this respect. Appeal A would be well to the south of Plumtree Cottage and would be separated from the village by an extensive area of open land: Appeal B would be to the east and would represent a linear extension of the village envelope. Neither proposal would represent any degree of 'rounding off' of Abbotskerswell's boundary.

Effects on the character and appearance of the surrounding countryside

18. The appellants suggest that developing the appeal sites would have no impact on the character and appearance of the land to the south east of the village. I was not convinced by this claim. I accept that the close knit landscape that surrounds Abbotskerswell allows small-scale new development to be 'screened' from public views. Neither of the proposed properties would obviously be visible from the public highway. However, the consequences of the amended access and the extensive turning areas required would introduce elements of urban character into the rural scene. Moreover, elements of this would be glimpsed from the adjacent lane. That would be true for both appeals and would be magnified were both to be developed.
19. I therefore conclude that, irrespective of breaching the 'principle' of developing in the open countryside, the proposed developments would also breach criterion (g) of Policy S1 to which I have referred in paragraph 7 above.
20. The appellants submitted an addendum to their appeal statement directing me to a recent judgment in the Courts¹ that clarified that the amendments to the definition of 'previously developed land' do not apply to residential gardens outside built-up areas. However, I do not consider that even were the appeal sites to be defined as 'brownfield' land that should outweigh the factors that I have identified above as arguing against both proposed developments whether assessed singularly or together. I also note, in this context, that Paragraph 48 of the Framework specifically advises the exclusion of residential gardens – undifferentiated between built-up and other areas, from any Strategic Housing Land Availability Assessment (SHLAA).

Conclusions

21. For the reasons given above I conclude that both Appeals A and B should be dismissed.

R M Pritchard

INSPECTOR

¹ Dartford Borough Council v SSCLG (CO/4129/2015)