
Appeal Decision

Hearing held on 11 November 2014

Site visit made on 11 November 2014

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 9 January 2015

Appeal Ref: APP/P1133/A/14/2215798

Land adjacent to Ashwick Court, Broadhempston, Totnes TQ9 6BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Cavanna Homes (Devon) Limited against Teignbridge District Council.
 - The application Ref 13/03137/MAJ, is dated 22 October 2013.
 - The development proposed is a residential development comprising up to 28 dwellings including access, parking, servicing and landscaping.
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Decision

1. The appeal is dismissed and outline planning permission for a residential development comprising up to 28 dwellings including access, parking, servicing and landscaping is refused.

Application for costs

2. At the Hearing an application for costs was made by Teignbridge District Council against Cavanna Homes (Devon) Limited. This application is the subject of a separate Decision.

Preliminary matters

3. The application was in outline with access to be considered at this stage and all other matters reserved for later consideration.
4. The Council has stated that had it still been in a position to do so it would have refused the application for the following reasons:
 - The proposed development would be outside the settlement limits for Broadhempston where residential development is restricted. The development would therefore be contrary to Policy S22 of the Teignbridge Local Plan (LP).
 - The Council is able to demonstrate a 5 year plus 20 percent supply of housing land
 - The proposed development would have a detrimental impact on the character and appearance of the settlement and the Conservation Area.

5. At the hearing the appellant submitted a s106 unilateral undertaking to provide 30 percent of the proposed dwellings as Affordable Dwellings.

Main Issues

6. The main issues are:
 - whether the Council can demonstrate a 5 year supply of deliverable housing sites
 - whether the proposed development would be in a sustainable location
 - the effect of the proposed development on the character and appearance of the area and the setting of the Broadhempston Conservation Area

Reasons

5 year housing land supply

7. The Framework sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements.
8. The appellant refers to a number of appeal decisions which indicate that the Council has historically been unable to meet its housing requirements. All of these however pre-date the adoption of the LP in 2014. The Planning Practice Guidance (Planning Guidance) advises that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the 5 year supply. And that considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. The LP housing requirement figure of 620 dwellings per annum (dpa) is derived from the 2012 Strategic Housing Market Assessment (SHMA). At paragraph 31 of his report the LP Inspector notes that the assumptions and modelling of the SHMA projections specifically take in to account an allowance for meeting a backlog of need from the past. I have seen no substantial evidence to suggest that circumstances have changed significantly on this issue since the plan was examined.
9. In her report to the Secretary of State on the Shutterton Park appeal (APP/P1133/A/12/2188938) in 2013 the Inspector noted that any shortfall in housing supply ought to be addressed in the next 5 years provision (the 'Sedgefield' approach). This reflects both the requirement in the Framework to significantly boost the supply of housing and advice in Planning Guidance that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. That said, the longer 'Liverpool' approach is not precluded. At the hearing the Council was unable to confirm whether the 'Sedgefield' approach was that taken in the adopted LP or whether the shortfall was spread across the plan period (the Liverpool approach). Nevertheless, there has been no change in national policy on this since the plan was examined. Even if the Liverpool method was applied in this instance it would not be in the interests of good planning or consistency for me to cast doubt on the LP Inspector's judgement on this issue. I conclude therefore that the housing requirement figures given in the LP are the proper basis against which to calculate the 5 year supply in this case.

10. The appellant disputes the Council's projected rate of delivery on a number of sites that have planning permission and/or are allocated in the LP. The appellant has referred also to the Inspector's comments in the Shutterton Park report that 'allocation in a Local Plan is not a reliable indicator that housing will necessarily be delivered'. The Inspector in that instance was commenting on allocated sites with no planning permission that had not come forward for housing in the last 17 years. Whilst such circumstances cannot be ruled out, Planning Guidance advises that deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years. It advises also that up-to-date housing requirements and the deliverability of sites to meet a 5 year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals.
11. In this case it is evident from the LP Inspector's report that he examined the supply figures and trajectory and concluded that the housing targets put forward by the LP, including an allowance for a historic backlog, can be delivered and that a 5 year supply of housing will be available. In reaching this conclusion he notes also that the figures make no allowance for windfalls even though these have averaged about 173 dwellings per annum over the 10 years up to 2011. Based on the LP requirement of 620 dpa plus a 20 percent buffer, the Council's Annual Monitoring Report December 2013 shows a 5 year housing land supply of 6.3 years with 55 dpa windfalls and 5.9 years without windfalls. Using a slightly higher windfall figure taken from the Shutterton Park report, the up-dated figure given by the Council in its statement is 6.06 years.
12. In view of the advice in Planning Guidance and the conclusions of the LP Inspector, and in the absence of firm and clear evidence that predicted delivery rates on the contested sites cannot be achieved, I conclude that the Council is able to demonstrate a 5 year supply of deliverable housing sites. I further conclude therefore that policies for the supply of housing in the LP should be considered up-to-date and that paragraph 49 of the Framework is not thus engaged.

Location

13. Policies S21 and S22 of the LP reflect the objectives of the Framework in seeking to focus new development in the most sustainable locations by limiting new development in the countryside, outside defined settlement limits. The plan focuses development on the urban areas as the most sustainable locations for new residents and workers and includes no specific proposals for villages. Some allowance is made within the LP for rural housing and Broadhempston is identified in Policy S21 as a village with close access to a shop, public house, village hall, school and daily public transport services and thus an appropriate location for limited development which meets the social and economic needs of the community. This Policy provides further clarification in stating that the emphasis will be on affordable housing, and 'small scale development brought forward through Neighbourhood Plans.'
14. LP Policy S4 gives the approximate distribution of dwellings between towns that in total amounts to 90 percent. There is nothing in the Policy to suggest, as the appellant does however, that 10 percent shall be provided in rural areas

and that this means some development will be outside settlement limits. Indeed at paragraph 130 of his report the LP Inspector notes that Policy S21 identifies villages where small scale development within their limits may be allowed.

15. A Rural Housing Needs Survey completed in 2012 identified a need for 14 dwellings in the village. A development of 6 affordable dwellings is currently under construction at Kings Close Field and a further 6 self build dwellings have permission at Easterways Field in Broadhempston. Between them these would meet much of the identified need. The proposed development would make a further contribution, but the majority of the units would be open market dwellings. Whilst I accept that a proposal amounting to approximately a 10 percent increase in the village could be said to be 'small scale development', there is no evidence in these circumstances to suggest that the development proposed would make any significant contribution to meeting the social and economic needs of the community.
16. The appeal site lies outside the Broadhempston settlement limit and I find no justification in the terms set out in Policy S21 for development on this site. I conclude therefore that the proposed development would conflict with LP Policy S22 which seeks to direct new development to the most sustainable locations.

Character and appearance

17. Broadhempston has a strong linear form predominantly aligned east west. Development along Main Street reflects medieval planning with a number of long rectangular plots running back from the street on both sides and narrow lanes giving access to the fields beyond. This linear form and the gardens, orchards and fields beyond the street frontage buildings are distinctive historic features of the village Conservation Area and its setting, that make an important contribution to its heritage significance.
18. The appeal site is a field of pasture adjoining the Conservation Area. It lies beyond existing housing on Main Street and Lower Well Road and can be glimpsed from these roads. It is visible across the car park of the Coppa Dolla public house and from Small Park Lane. Whilst distant views of the site are limited, it provides a considerable part of the rural context of the village on its north-eastern edge and the backdrop to development within the Conservation Area. The open pastoral character of the site thus makes a positive contribution to the setting of the Conservation Area.
19. Gardens and planting along the southern boundary of the site, once mature, would provide some degree of separation from buildings within the Conservation Area and I note that there would be the potential for creation of a new length of Devon bank. However, the existing character of the site would be lost. The introduction of up to 28 dwellings, gardens, roads, vehicles and necessary infrastructure to the site would inevitably change its character from rural agricultural to suburban domestic.
20. The site was identified in the Teignbridge Strategic Housing Land Availability Assessment (SHLAA) Review published March 2010 as suitable for development, with 'no significant issues' found. However, not only does this pre-date the adopted LP, but the document clearly states that inclusion of the site does not indicate that planning permission would be granted. The weight I give to the conclusions of the SHLAA Site Assessment insofar as they are

relevant to consideration of the impact of the proposal on the character and appearance of the area is therefore limited.

21. A new village hall and 6 houses are under construction at Kings Close Field. This too is a village edge site and I note that the officer's report on this proposal states that it is not considered there would be harm to the character and appearance of the Conservation Area. I am not aware of the full planning history of the development however I note that it provides a community facility and 100 percent affordable dwellings and significantly, that it includes substantially fewer dwellings than that proposed on the appeal site. In terms of impact on the setting of the Conservation Area no direct comparison can therefore be made with the appeal scheme which I have considered on its own merits.
22. The proposed residential development would fundamentally alter the character and appearance of the site, degrading the rural setting of the village and Conservation Area. Detailed design of buildings and planting could provide some softening of its impact, but this would not overcome the harm I have identified. I conclude therefore that the proposed development would adversely affect the character and appearance of the area and the setting of the Broadhempston Conservation Area contrary to LP Policies S1, S2, EN2A and EN5 which seek to protect the character and appearance of the local landscape, built environment and Conservation Areas.

Conclusion

23. Paragraph 12 of the Framework states that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.
24. Construction and occupation of the proposed dwellings would make some contribution to the local economy and the development would assist in meeting the need for affordable housing in the District. Given the scale and nature of the proposal, these benefits would however be limited. Whilst harm to the significance of the Conservation Area would be less than substantial, these benefits are not sufficient to outweigh that harm. Nor are they sufficient to outweigh the identified harms in respect of the character and appearance of the area and development in a less sustainable location.
25. For these reasons and having had regard to all other matters, I conclude overall that the appeal should be dismissed.

Olivia Spencer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr D Dunlop	D2 Planning Ltd Agent for the appellant
Dr M Cowley MCIEEM CEnv	EAD Ecological Consultants
MSc PHD	

FOR THE LOCAL PLANNING AUTHORITY:

Mrs H Murdock	Senior Planning Officer
Mr A Lessware	Senior Planner Spatial Planning and Delivery
Mrs M Pearce	Heritage Team Leader

INTERESTED PERSONS:

C Hopkins	Residents Association
R Green	Local resident
W Norton	Chair Residents Association
M Rudd	Local resident
J Day	For the Residents Association
S Sutcliffe	Chair Parish Council
V Stevens	Local resident
P Thompson	Local resident
Cllr M Colclough	Ward Member for Broadhempston
J Boase	Local resident
M Rudd	Local resident
R Green	Local resident
C Thompson	Chair Broadhempston Society
P Stevens	Local resident
L Sutcliffe	Local resident
G Pascoe	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Summary of the main parties predicted site delivery rates
- 2 Drawings for the adopted LP
- 3 Signed s106 unilateral undertaking
- 4 Response to costs application submitted by the appellant
- 5 Statement Mr Norton