



Appeal Decision

Site visit made on 20 December 2022

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

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/X1118/W/22/3301506

Land at Eastacombe Rise, Heanton Punchardon, Braunton EX31 4DQ

- 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 Roy Hancocks against the decision of North Devon Council.
 - The application Ref 74661, dated 13 January 2022, was refused by notice dated 2 March 2022.
 - The development proposed is described as "2 no. open market dwellings alongside nature reserve".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form described the site address as being land at Heanton Punchardon, Braunton. The Council referred to the site as being land at Eastacombe Rise, and this is the address used by the appellant on the appeal form. As this more accurately describes the site location and was consistent with what I saw at my site visit, I have referred to this address above.
3. The description of development in the heading above has been taken from the application form. However, in Part E of the appeal form it is stated that the description of development has not changed but nevertheless a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application in the heading above.
4. The application was submitted for outline planning permission, with all matters reserved. The submitted plans (ref 2115 P 002 00 and 2115 P 004 00) show details that are reserved for future consideration, including the location, footprint, and access of the proposed dwellings. The appellant's appeal submission states that matters of layout, positioning, orientation, scale, height, massing and landscaping are indicative and the Council has treated the application on the basis that all matters are reserved. For the avoidance of doubt, I am considering

the appeal on the basis of all matters being reserved whilst noting that certain details have been provided for indicative purposes.

Main Issue

5. The main issue is whether the location of the site is suitable for open market residential development.

Reasons

6. The appeal site is positioned upon a hilltop, to the southern side of Eastacombe Lane and Eastacombe Rise. There is a field gate providing access onto Eastacombe Rise, and there are hedges and hedgebanks bounding much of the site. Although the land had been mowed, it was evident that it comprises rough grass and brambles.
7. The appeal site would be bounded to the north, west and south by residential properties. There are a variety of ages and styles of mostly detached houses and bungalows nearby, some of which are positioned within generous gardens, thereby creating a spacious, loose knit appearance to this part of the village. This and the presence of narrow lanes defined by hedges and trees gives a rural character and appearance to this part of the village to which the appeal site positively contributes. The dwellings would be adjacent to existing residential properties, and the size of the site along with the proposed retention of the hedgebanks, would be in broad accordance with the character and appearance of the surrounding area.
8. Notwithstanding this, there are very few services and facilities within the village, and both of the main parties have referred to the very limited nature of public transport provision. There are a wide range of services and facilities within Braunton and Wrafton, but to access them would necessitate using the narrow, single lane roads that are unlit and have no footways. The roads have narrow or no verges, albeit to parts of Heanton Hill there are some stretches of broader verges. There are few public passing places for vehicles thereby necessitating a reliance of all users of the highway to utilise private accesses and land to pass each other. The nature of the roads is such that anyone using them, including those familiar with them, would have to be highly alert at all times to the presence of other users so as to avoid conflict.
9. Whilst there are a variety of services and facilities in Braunton and Wrafton, the propensity to walk or cycle is influenced not only by distance, but also by the quality of the experience. For some the distances to nearby services and facilities and the physical demands necessitated by the steep nature of the topography would mean that such sustainable methods of transport would not be an option. The use of the lanes during hours of darkness and in the winter during adverse weather would not be an alternative for many. Having regard to the particular circumstances of the location of the proposed dwellings, it is

likely that future occupants would be reliant on motor vehicles with the consequential environmental harm resulting from increased journeys.

10. For these reasons, the location of the site would not be suitable for open market residential development, and this would be contrary to Policies ST07 and DM24 of the North Devon and Torridge Local Plan (2018) (LP). These seek amongst other things, to direct development to particular locations, and that in rural settlements with limited facilities, residential development should be of a modest scale to meet identified locally generated needs, reflecting objectives of the National Planning Policy Framework (the Framework).
11. The appellant refers to having previously promoted the site in the Strategic Housing Land Availability Assessment. However, from the Council's evidence it appears that this was also for open market housing, rather than for development that would serve local needs, and given my findings above, this limits the weight I can attribute to this matter.

Other Matters

12. The Council has referred to the presence of nearby listed buildings, the closest being those in the Eastacombe farm complex, and I am obliged by the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The nearest listed buildings are lower down the hillside and thereby some distance away from the appeal site, with other houses and their gardens in between. Whilst acknowledging that all matters have been reserved, the new houses would be part of the scatter of dwellings that are to the south of the farm, and given this the principle of a further two additional dwellings would not significantly harm the settings of the listed buildings.
13. The site is within 10 km of the Braunton Burrows Special Area of Conservation (SAC), whereby a net increase in the number of dwellings would be unacceptable without appropriate mitigation of the impact of future occupiers upon this important site. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. Although the appellant would make a contribution for mitigation, no legal agreement to secure this has been provided. As I am dismissing the appeal for other reasons I have not pursued these matters with the parties as I have no need to consider the implications of the proposal upon the SAC.
14. Local residents have raised a number of matters, including the loss of farm land, construction issues, and the protection of a water supply. Of those concerns relevant to the planning considerations of the case,

following my findings on the main issue, I have no need to consider them further.

Planning Balance

15. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
16. The provision of two homes that could be quickly delivered would make a small contribution towards the supply of housing, as well as add to the housing mix and vitality of the village. These social benefits carry a modest degree of weight. Future occupiers of the dwellings would make a small contribution to the local economy, and there would also be a small, time-limited economic benefit arising from the construction phase of building additional homes. In addition, the adjoining land could become a nature reserve. This, and the retention of the existing hedges and trees would be a small environmental benefit.
17. Weighing against these benefits would be the significant environmental harm arising from the development of the site with the consequential increase in private car use. This would be the case for any future occupiers, whether they live in an open-market dwelling or one that has been specifically provided for local needs. However, the Council has identified a requirement for the modest provision of housing in settlements where there are limited services and facilities which sustain their vitality and also meet local needs. As the proposal would be for open market housing, it would fail to achieve this social objective. Furthermore, in the absence of any conclusive and effective mechanisms to secure and provide for the nature reserve, including that it should remain as such in perpetuity, this tempers the weight I can attribute to the environmental benefit.
18. 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, and this includes having regard to the objectives for minimising journeys by private car, and that in rural areas, decisions should be responsive to local circumstances and reflect local needs. The adverse environmental impacts in this case amount to cumulative environmental harm which carries substantial weight, and this thereby significantly and demonstrably outweighs the limited economic and social benefits when assessed against the policies in the Framework as a whole. It follows that the presumption in favour of sustainable development does not apply.

Conclusion

19. The benefits from the dwellings would be limited and would not mitigate the significant and unacceptable harms that would arise, and the conditions suggested by the parties would not mitigate the harms. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR