



Appeal Decision

Site visit made on 6 June 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/X1118/W/23/3315714

3b Seymour Villas, Lane to Woolacombe Bay Holiday Parks, Woolacombe, Devon EX34 7AQ

- 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 Peter Vincent against the decision of North Devon District Council.
 - The application Ref 75705, dated 29 July 2022, was refused by notice dated 4 November 2022.
 - The development proposed is the demolition of existing garage and construction of a single new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the proposed development would be suitable, having regard to local and national planning policies concerning the location of housing; and
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the natural beauty of the North Devon Area of Outstanding Natural Beauty (AONB).

Reasons

Location

3. The main parties agree that the appeal site is located outside the settlement boundary of Woolacombe, defined as a Local Centre within Policy ST07 of the North Devon and Torridge Local Plan 2011-2031 (the Local Plan). Therefore, even if it is located within walking distance of a range of services and facilities, for the purposes of the development plan, it is in the countryside.
4. The overarching aim of the hierarchy of settlements set out in Policy ST07 is to achieve an economically resilient and active rural area through focusing development towards areas where services and facilities can be supported and maintained. In locations deemed to be countryside, development is restricted to that which meets local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location. Given the proposed development comprises a new, open market dwelling, it would not fall into any of these scenarios.

5. Policy MOR of the Local Plan specifically relates to the strategy for growth at Woolacombe and Morteohoe, setting out the supply of housing to be delivered through extant planning permissions and new site allocation. This does not include the appeal site. However, the supporting text of Policy MOR acknowledges that opportunities for further new residential development are limited. Furthermore, any additional housing should meet local needs and address aspirations for improvements to local services and facilities and, where development has local support and accords with other relevant policies of the Local Plan, it will be considered on an exceptional basis.
6. Although a degree of local support for the proposed development is demonstrated by the unanimous no objection response to the appeal application from Morteohoe Parish Council, representations have been made by interested parties objecting to the appeal scheme. Moreover, aside from the provision of an additional dwelling and limited opportunities for residential development highlighted above, I have no additional substantive evidence before me which demonstrates how the proposed development would meet local needs.
7. Consequently, I conclude that the appeal site would not be suitable for the proposed development, having regard to local and national planning policies concerning the location of housing. It would be contrary to Policy ST07 of the Local Plan in this regard. I also find conflict with Chapter 2 of the National Planning Policy Framework (the Framework) which promotes development which meets the needs of the area through a sustainable pattern of development.

Character and appearance

8. As the appeal site is located within the AONB, in considering the proposed development I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the natural beauty of the area. Further, the AONB has the highest status of protection concerning these issues, reflecting the statutory purpose of the AONB. This is reiterated by policies ST04, ST09, ST14 and DM08A of the Local Plan which aim to conserve the setting, special landscape and seascape character and qualities of the AONB, supporting development only where it does not detract from the unspoilt character, appearance and tranquillity of the area. Alongside this, policies ST04 and DM04 seek to improve the quality of development through, amongst other things, reinforcing the key characteristics and special qualities of the area.
9. The appeal site comprises a rectangular parcel of land associated with the property of 3b Seymour Villas (No 3b), albeit located to the rear of 4 Seymour Villas (No 4), on the other side of a rear access lane. At the time of my visit, although the majority of the site had been cleared of scrub, the boundary landscape features create a sense of enclosure of the site. Notwithstanding its position outside the settlement boundary of Woolacombe, the appeal site is surrounded by residential and holiday park development. Within the immediate area, a variety of building types, scales and styles are present, and no overall pattern of development prevails. However, the key characteristics of the area include the physical and visual relationship to the coastline and the surrounding AONB, and the tranquil environment.

10. Comprising a single-storey detached dwelling the proposed development, as recognised by the Council, would make use of the topography of the site by being set into the gentle slope of the land. This, combined with existing landscape features on all boundaries except to the front of the site, means the proposed dwelling would be discretely positioned in the landscape, despite being described as large by the Council. In the wider setting, the proposed dwelling would be screened from views across the AONB by the topography of the area, landscape features and the surrounding built form, in the same way, the existing garage on the site is shielded from view.
11. The appeal site's location within the countryside, for the purposes of the development plan, does not mean that any development in this location constitutes an incursion into the open countryside. Similarly, being in the AONB does not mean that development is unable to protect or conserve the natural beauty of that landscape. As such, the proposed development would not result in harm to the existing arrangement and pattern of development in the locality and would reinforce the tranquil environment and relationship to the AONB.
12. Consequently, I conclude that the proposed development would not cause harm to the character and appearance of the area and would conserve the natural beauty of the AONB. It would accord with policies ST04, ST09, ST14, DM04 and DM08 of the Local Plan which, amongst other provisions, conserve the setting, character and qualities of the AONB and improve the quality of development.

Planning Balance

13. Although the Council was unable to demonstrate a five-year supply of deliverable housing sites when the appeal application was determined, the Council has provided evidence contrary to this. However, in the absence of a full review and verification of these calculations, the status of the Council's supply of deliverable housing sites is unconfirmed. As such, the presumption in favour of sustainable development set out in paragraph 11dii applies.
14. The appeal scheme would have social and economic benefits from the construction and occupation of an additional dwelling, aligning with the Framework's aim to increase the supply of housing. The removal of the unsightly garage and the building rubble currently on the site would enhance the environment. Further environmental enhancements would result from the proposed development through new planting, solar panels and the use of an air source heat pump. However, given the scale of the proposed development, all these benefits would be small, and I attach moderate weight to them.
15. I have found that the appeal site would not be suitable for the proposed development, contrary to Policy ST07 of the Local Plan. I find that this policy is consistent with Chapter 2 of the Framework where it promotes a sustainable pattern of development that seeks to meet the development needs of the area. Consequently, the proposed development conflicts with the development plan when read as a whole. I apportion considerable weight to this conflict and the associated harm.
16. Therefore, the adverse impacts of the development significantly and demonstrably outweigh the benefits and the presumption in favour of sustainable development, as set out in the Framework, does not apply.

Conclusion

17. The proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.
18. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR