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# Appeal Decision

Site visit made on 7 June 2016

**by Robert Gully MEng CEng MICE**

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

**Decision date: 30 June 2016**

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**Appeal Ref: APP/Q1153/W/16/3145211**

**Land at Axtown Farm, Green Lane, Axtown, Yelverton, Devon PL20 6BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs S Taylor against the decision of West Devon Borough Council.
  - The application Ref 00727/2015 - OUTLINE, dated 23 February 2015, was refused by notice dated 22 October 2015.
  - The development proposed is the erection of 3 dwellings.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The planning application which is the subject of this appeal was for outline approval with appearance, landscaping and scale as reserved matters.

## Main Issue

3. The main issues are:
  - the effect on character and appearance of the area, with particular regard to the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty (AONB);
  - whether or not the proposal, given its rural location, would constitute a sustainable location for access to facilities and services.

## Reasons

### *Character and appearance*

4. The appeal site lies beyond The White House, which is the last in a continuous line of residences that clearly define the main coherent extent of existing settlement in Axtown on both sides of Green Lane. Beyond The White House, running past the appeal site, the road narrows and rural hedges and trees prevail, with occasional views of the countryside giving way to open views further along the lane. Although the property Martin's Meadow lies to the west of the appeal site, the dwelling there is set much further back from the roadside than properties to the east. The combination of its set-back and vegetation at the roadside mean that the existing dwelling does not undermine
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the strong open rural setting that commences at the appeal site and the field opposite. The property White Willows lies further west and is also clearly distinct from Axtown by virtue of the intervening fields.

5. The appearance of a definitive edge to the main body of Axtown is most marked when arriving from the west, whereby the end façade of The White House is the first readily appreciable residential development comprising part of an established settlement. This property joins the evident and continuous development on both sides of Green Lane thereafter, away from the appeal site. From this direction the appeal site makes a strong contribution to the continuation of the open countryside character, only briefly interrupted by sporadic dwellings on the approach to the village. The appellants contend that the settlement extends beyond the appeal site. However, I found the setting and separation of properties to the west significantly different, such that the appeal site does not appear as an infill plot bounded by these residences.
6. The roadside bank and hedge to the appeal site, and a future landscape scheme, would provide some screening. However, any visibility of residential development, which would be more readily seen in winter, would create an urbanising effect, substantially altering the existing natural character, openness and attractive rural appearance of the site. This would detract from the current views across the open field towards the hills in the distance. It seems to me that the open, undeveloped nature of the appeal site, which also affords distant views, makes an important contribution to the AONB, which local and national policy seeks to protect.
7. Nearby visibility of the proposal would be limited to roadside views over the embankment between vegetation, through the entrance and from nearby private property. The appellants assert that there are no significant public vantage points from which the site could be seen. However, I have found that the proposal would have a significant harmful effect when seen locally, particularly from Green Lane. Furthermore, the appeal site is open to distant views from a relatively wide area, from where the appeal proposal would harm the undeveloped and open nature of the site, when seen against the backdrop of boundary vegetation on both sides of Green Lane.
8. Strategic Policy (SP) 17(a) of the Core Strategy (CS)<sup>1</sup> affords protection to the AONB in similar terms to the National Planning Policy Framework ('the Framework') at paragraph 115. Despite not being referenced by the Council in their reasons for refusal, I note that the appellants have had the opportunity to consider this policy. I find that it is directly applicable to this main issue in this case, alongside CS Policy SP1 criterion (i). Both policies require that particular regard be given to the protection of the Tamar Valley AONB.
9. Policy NE10 of the Local Plan<sup>2</sup> is applied relative to settlement limits. However, I find that criterion (ii), which seeks to avoid unacceptable harm to the character of the landscape and important natural features, is one that could apply generally outside any built up area.
10. For the reasons given above, I conclude that the proposal would fail to conserve the landscape and scenic beauty of the Tamar Valley AONB, or the

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<sup>1</sup> West Devon Borough Council Local Development Framework – Core Strategy Development Plan Document 2006-2026, adopted 2011

<sup>2</sup> West Devon Borough Council Local Plan Review, as amended April 2011

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character and appearance of the area more generally. The proposal would therefore be contrary to CS Policy SP17(a), CS Policy SP1 criterion (i) and Local Plan Policy NE10 criterion (ii).

*Sustainable location*

11. Policy H31 of the Local Plan addresses development within the countryside outside settlement limits. The Local Plan pre-dates the Framework, which requires that policies are therefore given weight according to their degree of consistency with it (paragraph 215). Policy H31 requires that development in the countryside is restricted through the need to comply with a number of criteria. These criteria are somewhat reflective of the special circumstances set out in paragraph 55 of the Framework for 'new isolated homes in the countryside'. However, for homes that are not isolated, the Framework recognises that rural housing can contribute to sustainable development where it will enhance or maintain the vitality of rural communities. Policy H31 does not recognise this opportunity and is therefore significantly more restrictive in this respect. Furthermore, the appellants have drawn my attention to the appeal case at Grenofen<sup>3</sup> where the same policy was found to be inconsistent with the Framework. Taking the above together, I find that Policy H31 should be given limited weight in this case.
12. The CS also pre-dates the Framework. Policy SP5 applies special circumstances, which are comparably restrictive to Policy H31 of the Local Plan. For the same reasons I therefore also give this policy limited weight.
13. Notwithstanding the above, the appellants have not sought to demonstrate any of the circumstances set out in Policy H31 of the Local Plan, save for criterion (v). Nor has an essential agricultural, horticultural or forestry need been identified in accordance with CS Policy SP5. The appeal proposal would therefore be contrary to both of these policies. However, paragraph 55 of the Framework, which addresses rural sustainable development, is a significant material consideration in this case. The application of paragraph 55 turns significantly on the matter of whether the proposal is considered 'isolated'.
14. The appeal site lies on the periphery of Axtown, which is a small settlement with no facilities in its own right. The settlements of Yelverton and Crapstone are both over a mile distant from the appeal site via the public highway. Yelverton possesses a range of facilities, whilst Crapstone has a more limited offering. On my visit I found that the distance and nature of the route to those nearby settlements would act as some discouragement to walking, however, the distance involved would be readily achievable by bicycle or a short car trip. A bus service would also be available a reasonable walk from the appeal site.
15. Although Axtown as a whole clearly sits within the countryside, the appeal site is immediately adjacent to the existing periphery of continuous roadside development there. Given the relatively close access to services in nearby villages, its bus service, and its physical relationship to Axtown, it would be unreasonable to describe the site as isolated in the terms of the Framework. Furthermore, the proximity to Yelverton and Crapstone, as a cluster of 3 settlements, suggests that the proposal could contribute to rural vitality in the other villages such that it would meet with paragraph 55 of the Framework in this respect. I note the Council's submissions regarding the limited economic

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<sup>3</sup> APP/Q1153/W/15/3127880

and social contribution that 3 houses would make, however, their contribution would be materially positive and therefore in accordance with this policy.

16. On the basis of the above, I conclude that the proposal would constitute a sustainable location for development, in respect of access to services. Whilst the proposal would be contrary to Policy H31 of the Local Plan and CS Policy SP5, this is outweighed by compliance with the more recent provisions of paragraph 55 of the Framework. Furthermore, the criteria in the Local Plan and CS policies are of a type that the Framework only seeks to apply when new homes are isolated, which I have found is not the situation in this case.

### **Other Matters**

17. Policy SP18 of the CS relates to heritage and historic character and is referenced in the Council's reasons for refusal. Although it is not directly applicable to this case, the Council's planning officer report identifies that no heritage or archaeology constraints were found in relation to the larger site which they considered in their Land Availability Assessment. No other submissions have been made on this matter by the Council. As such I find that Policy SP18 is not directly applicable to the main issues in this case and have not considered it further.
18. The appellants have included location plans of permissions that they state have been granted at Lamerton and Bratton Clovelly, and appeal decisions at Lewannick and Mawnan Smith. These cases are submitted in respect of Policy H31 and development outside settlement limits more generally. I have concluded favourably on the general location of the appeal site, where these cases might be relevant. However, they are not readily applicable to the specific effect on character and appearance of the area and the AONB which is the other main issue in this case.
19. A Section 106 Agreement was submitted with the appeal. In the event that the appeal is allowed, the appellants agree to make a monetary contribution towards off-site affordable housing. Whilst this contribution complies with CS Policy SP9, it would run counter to current national policy set out in the Written Ministerial Statement of 28 November 2014. This policy requires that affordable housing contributions are not sought from small schemes. Nonetheless, I consider it is a positive element to which I give modest weight.

### **Conclusion**

20. Whilst I have found in favour of the appellants in relation to the sustainability of the location, I conclude that the proposal would cause significant harm to the character and appearance of the area, including to the Tamar Valley AONB, contrary to the development plan policies set out above. There would be a social and economic benefit associated with 3 new dwellings and a further benefit from the affordable housing contribution. However, these considerations do not outweigh the identified environmental harm and as a result the proposal would not constitute sustainable development.
21. I therefore dismiss the appeal.

*R Gully*

INSPECTOR