

Reference No: 17/01511/MOUT
Parish: Crediton Hamlets 19

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OUTLINE PLANNING APPLICATION

Name and Address of Applicant:

Barratt David Wilson Homes
C/o Mr Michael Rees, LRM Planning
Dean Clarke House
Southernhay
Exeter
EX1 1AP

Name and Address of Agent:

Date Registered : 19th September 2017

Proposal: Outline application for the erection of up to 120 dwellings, public open space, vehicular access and associated infrastructure

Location: Land at NGR 282065 100892 (Chapel Downs Farm) North of Queen Elizabeth Drive Barnstaple Cross Devon

Site Vicinity Grid Ref: 282065/100892

MID DEVON DISTRICT COUNCIL HEREBY REFUSES OUTLINE PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Reasons for Refusal:

1. The application site is outside the current settlement limit boundaries of Crediton and is in the open countryside and is not currently allocated for development. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 -2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority considers that the adverse impacts of the proposed development, as set out in reasons 2, 3 and 4 below, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The Local Planning Authority considers that by virtue of the elevated and sloping nature of the site the development (of an agricultural field) to include a new section of highway and associated pavement will have a harmful impact to the visual amenity of the area at the western entrance to the town and along Higher Road. By virtue of the topography the development will appear as an incongruous extension adjacent to the existing built development which is set down within the valley cutting. The site is widely visible from the south and development will significantly alter the unspoilt and open qualities of the site and result in the loss of grade two agricultural land forming an important part of the rural setting at this edge of Crediton. Despite the shortfall in housing supply the harm arising to the character and visual appearance of the area is considered to significantly and demonstrably outweigh the benefits derived from the scheme and on this basis the application scheme is considered to be contrary to policies COR2 and COR18 (Local Plan 1) and policy DM2 Local Plan part 3 (Development Management Policies) which seek to protect the character and appearance of the countryside.
3. In the opinion of the Local Planning Authority the development would result in harm to the setting of the Grade II listed Chapel Downs Farmhouse. The agricultural field is considered to form part of the setting of the listed building, and the proposed scheme will alter the character and appearance of the setting of the listed building given the intrusion of built development at a raised level within the setting of the heritage asset. Although the harm is considered to be less than substantial in National Planning Policy Framework terms, in addition to the other identified harmful impacts of the scheme it is not considered that the public benefit arising from the scheme would outweigh the identified harm to the designated heritage asset and therefore the proposal is considered to be in conflict with the aims of policies DM27 Local Plan part 3 (Development Management Policies) and part 12 of the National Planning Policy Framework which seek to conserve and enhance the historic environment.
4. In the opinion of the Local Planning Authority it has not been demonstrated that development can be accommodated on the site without resulting in unacceptable harm to the amenity of occupiers of neighbouring properties. By virtue of the difference in levels the proposal is likely to result in a form, scale and mass of development that is overbearing to occupiers of residential properties located in Queen Elizabeth Drive and would be detrimental to the amenity they currently enjoy contrary to policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included determining the application in a timely fashion.

In accordance with paragraph 69 of the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR12 - Development Focus

COR15 - Crediton
COR18 - Countryside

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision
AL/IN/6 - Carbon Footprint Reduction
AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM27 - Development affecting heritage assets

Relevant Plans

The plans listed below are those which were considered in determining the application:

Plan Type	Reference	Title/Version	Date Received
Site Location Plan	0594-101		14/09/2017
Proposed	0594-1000 Rev. B	Masterplan	06/12/2017

Mrs Jenny Clifford
Head of Planning and Regeneration

Date: 22nd March 2018

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.