

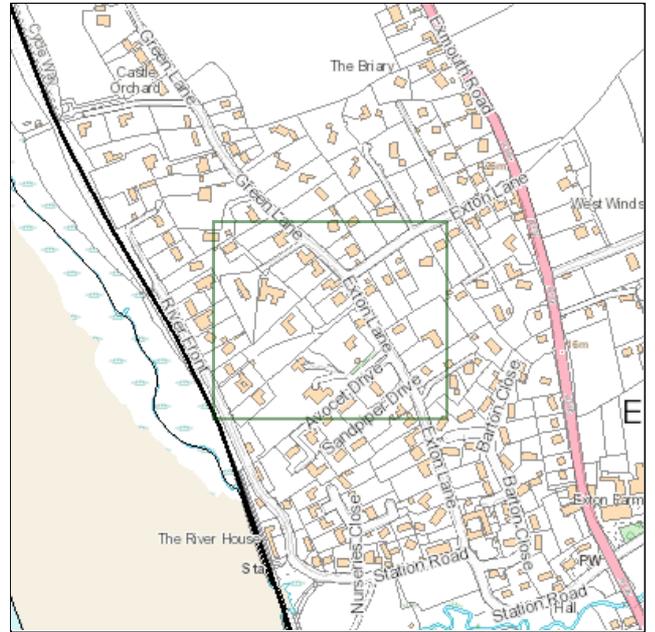
**Ward** Woodbury And Lymptstone

**Reference** 21/0344/OUT

**Applicant** Mr & Mrs B Wood

**Location** Merrivale Exton Exeter EX3 0PP

**Proposal** Outline application with all matters reserved for the construction of a detached dwelling



**RECOMMENDATION: Refusal**



		<b>Committee Date: 05.05.2021</b>
<b>Woodbury And Lymestone (Woodbury)</b>	<b>21/0344/OUT</b>	<b>Target Date: 09.04.2021</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs B Wood</b>	
<b>Location:</b>	<b>Merrivale Exton</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved for the construction of a detached dwelling</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Planning Committee because the officer recommendation differs from that of a ward member.**

**This application seeks outline planning permission with all matters reserved for the construction of a detached dwelling within the rear garden of Merrivale.**

**Whilst it is acknowledged that Exton does have good transport links with the train station, bus services and access to the Exe Estuary cycle path and a public house it does not contain the facilities required for it to be considered a sustainable settlement. Whilst the site is located within the village of Exton, in planning terms it is within countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.**

**The Council's strategic approach to new residential development is to direct new housing to larger towns within the District and to smaller towns and villages which have a range of services and are therefore considered to be sustainable locations. The smaller towns and villages are listed under the provisions of Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan. Exton is not identified as settlement suitable for new residential development under Strategy 27 because it does not contain a range of everyday services or facilities that would prevent over reliance on the use of the private car.**

The application site is located towards the northern end of Exton around 600 metres from Exton train station and 450 metres to the public house, a route along a road with no footpaths. In having regard for the distance of the site from the limited amount and basic range of community facilities on offer within the village, the site is considered to be in an unsustainable location where future occupiers are likely to be overly dependent on the use of the car which would be contrary to the provisions of policy TC2 (Accessibility of New Development) of the Local Plan. On this basis, the principle of a new dwelling in this location is not considered to be acceptable.

Whilst each planning application has to be determined on its own merits, it should be noted that the Council's policy position in relation to residential development in this part of Exton has recently been tested on appeal at a property called Four Acres which is located around 150 metres (4 dwellings) from the application site. Following the Council's refusal of an outline application (ref 19/1104/OUT) for a dwelling in the rear garden of Four Acres, an Inspector dismissed an appeal on the basis that the proposal is located within a settlement which, in policy terms, falls within the countryside and thus outside of an area where new growth and residential development is permissible.

On the basis that the site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted, the proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.

The application is therefore recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

Woodbury And Lympstone - Cllr Geoff Jung  
21/0344/OUT

I have viewed the Planning Application 21/0344/OUT for outline application with all matters reserved for the construction of a detached dwelling at Merrivale Exton. Exton is considered as a village without a 'built-up area boundary' as it is considered as an unsustainable location without adequate facilities. Therefore, any building within the village is to be considered in the open countryside for planning purposes. However, this has been tested by several Planning Inspector's decisions over the last few years and some dwellings have been approved which were in walking distance to the station.

I can understand the requirements of the applicant to move to a more suitable smaller house for their retirement and because this development is within walking distance to the station, I would support this application although it against Local Plan Policy I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

I appreciate that this decision is very finally balanced, but the Exton Councillors on the Parish Council were very supportive of this specific infill small development.

I did explain the very specific issues with Exton being excluded from further development, but they believed that some element of infill is appropriate but not expanding into the open countryside was appropriate on this occasion.

Therefore I would appreciate this application to be considered by the committee please, and I would like to speak as ward councillor at the meeting please.

Parish/Town Council

SUPPORT. Viewed as a reasonable infill.

### **Technical Consultations**

None

### **Other Representations**

1 letter of support has been received at the time of writing this report.

### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Government Planning Documents

National Planning Practice Guidance

### **Site Location and Description**

The site refers to Merrivale, a large detached property with a generous sized rear garden. It has its own vehicular access onto Exton Lane and to the south of this access

is a private driveway which serves two additional dwellings. The site is located at the south western end of the garden of Merrivale which is enclosed by a close boarded fence. The site is located within the countryside and is not the subject of any townscape or landscape designations.

### **Proposed Development:**

This application seeks outline planning permission with all matters reserved for the construction of a detached dwelling within the rear garden of Merrivale. Whilst the application is in outline where matters of layout, scale, appearance, landscaping and access are reserved for future consideration it is accompanied by an indicative site plan, floor plan and cross sections which illustrates how the site could be sub-divided, and developed with a chalet style bungalow with driveway and parking off the private drive with access onto Exton Lane.

### **Issues and Assessment**

The main issues to consider in determining this application are in terms of the principle of development, whether the site can accommodate a dwelling without adversely affecting the character and appearance of the area and the residential amenities of the occupiers of surrounding properties, the impact on trees and ecology and on highway safety.

### **Principle of Development**

Whilst the site is located within the village of Exton, in planning terms it is within countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The Council's strategic approach to new residential development is to direct new housing to larger towns within the District and to smaller towns and villages which have a range of services and are therefore considered to be sustainable locations. The smaller towns and villages are listed under the provisions of Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan. Exton is not identified as settlement suitable for new residential development under Strategy 27 therefore in planning terms, under the Local Plan, the site is located within the countryside.

Whilst it is acknowledged that Exton does have good transport links with the train station, bus services and access to the Exe Estuary cycle path and a public house it does not contain the facilities required for it to be considered a sustainable settlement. A list of settlements to include in Strategy 27 was considered in detail in the examination of the local plan - the list is based on the Small Towns and Villages Development Suitability Assessment produced by EDDC that was used by the Local Plan Inspector to finalise the list of settlements for Strategy 27. This did not include Exton which whilst rating highly in transportation terms, was considered to be a settlement that lacks everyday facilities and services such as a shop, post office, school etc. such that residents are likely to be overly dependent on the use of the car

to access them. In the absence of any justification for a new dwelling in this location the site is considered to be in an unsustainable location where future occupiers are likely to be overly dependent on the use of the car to access services and facilities which would also be contrary to the provisions of policy TC2 (Accessibility of New Development) of the Local Plan, which weighs against the proposal.

It is noted that there have been two appeal decisions where Planning Inspectors have found that other sites within Exton have been found to be sustainably located, although both of these sites were located on the southern side of the settlement with what was described as unusually good access to a range of non-car options for travel to nearby villages, larger local centres and onwards to national networks. Whilst each application is to be determined on its own merits, the appeal decisions differ from this proposal with one being adjacent to the train station, and the other having lit roads and footpaths to the main road and the station.

The application site in contrast is located towards the northern end of Exton around 600 metres from Exton train station and 450 metres to the public house, a route along a road with no footpaths. In having regard for the distance of the site from the limited amount and basic range of community facilities in offer within the village, the site is considered to be in an unsustainable location where future occupiers are likely to be overly dependent on the use of the car which would be contrary to the provisions of policy TC2 (Accessibility of New Development) of the Local Plan. On this basis, the principle of a new dwelling in this location is not considered to be acceptable. Having regard to the above it is not considered that the site is sustainably located and development of the nature proposed would fail to accord with the principles of sustainable development as recognised in the NPPF and the up to date East Devon Local Plan.

Whilst each planning application has to be determined on its own merits, it should be noted that the Council's policy position in relation to residential development in this part of Exton has recently been tested on appeal at a property called Four Acres which is located around 150 metres (4 dwellings to the north-east) from the application site. Following the Council's refusal of an outline application (ref 19/1104/OUT) for a dwelling in the rear garden of Four Acres, an Inspector dismissed an appeal on the basis that:

'The proposal is located within a settlement which, in policy terms, falls within the countryside and thus outside of an area where new growth and residential development is permissible. As such, the proposal conflicts with LP Strategies 7, 27 and Policy TC2.

The Inspector considered other appeal decisions for residential applications in Exton but gave a significant amount of weight to the current Development Plan policies which preclude new residential development in Exton and other areas of countryside.

In determining the appeal, the Inspector acknowledged that the proposal would generate a small input into the local economy during construction and would introduce new occupiers to the area which would also help to sustain the limited local facilities as a social benefit. However on this issue the Inspector concludes:

'Neither the benefits nor other considerations are of sufficient materiality to indicate that a decision should be made other than in accordance with the Development Plan'.

On the basis that the site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted, the proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services.

As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework and is recommended for refusal on this basis.

### **Character and Appearance**

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
  - a) The distinctive historic or architectural character of the area.
  - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
  - c) Important landscape characteristics, prominent topographical features and important ecological features.
  - d) Trees worthy of retention.

Whilst the application is in outline with matters of access, appearance, landscaping, layout and scale reserved, it is considered that the site can accommodate a modest sized dwelling without adversely affecting the character and appearance of the area. Exton is defined by a variety of architectural styles of property and whilst a number of properties are large in generous sized plots, there are examples of smaller dwellings in smaller plots such that it isn't considered that there is any discernible character or pattern of development within this part of Exton.

Whilst the proposal would represent a backland form of development, given the position of the site, set well back from the public highway and the pattern of development that surrounds it with dwellings served off the existing driveway, it isn't considered that a proposed dwelling within the rear garden of Merrivale would give rise to any significant harm to the character and appearance of the area. This would be subject to the appearance, layout and scale of the proposed dwelling which would be considered at reserved matters stage.

On balance, the proposal is considered to comply with the provisions of policy D1 of the Local Plan.

### **Residential Amenity**

Policy D1 of the Local Plan requires that proposals do not adversely affect the residential amenities of the occupiers of existing properties.

The site is bounded on its northern, southern and western sides by residential properties and it is accepted that a dwelling within the rear garden of Merrivale would have a degree of impact on the amenities of the occupiers of these properties.

However, as illustrated by the indicative site plan, it is considered that the site is of a modest size in relation to surrounding plots, that it could accommodate a modest sized dwelling without adversely affecting the amenities of the occupiers of surrounding properties. It will however be necessary to carefully assess the layout and scale of the proposed dwelling, its position within the site and the site's boundaries and the relationship it would have with the neighbouring properties, in particular with Orchard Vale to the south of the site which occupies a lowered position in relation to the application site.

This would be considered at reserved matters stage however it is considered that the site can accommodate a dwelling in principle without adversely affecting the amenities of the surrounding properties.

### **Highway Safety**

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan requires that proposals are not detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the Local Plan requires spaces to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The application proposes a vehicular access onto the existing private driveway which leads onto Exton Lane an unclassified residential road. Whilst matters of access are reserved for future consideration, it is considered that the principle of a new access onto Exton Lane via the existing driveway which would offer a good standard of visibility is acceptable and would not give rise to any highway safety issues. In addition there is likely to be sufficient space within the site within which vehicles could park and turn so that they can exit the site onto the highway in a forward gear. The proposal is considered to comply with the provisions of policies TC7 and TC9 of the Local Plan.

### **Habitat Mitigation**

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is therefore within the open countryside where residential development is restricted. The proposed development by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.

## NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant listed building concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

## Plans relating to this application:

3020.3 + location	Proposed Combined Plans	05.02.21
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List of Background Papers

Application file, consultations and policy documents referred to in the report.