

West Hill Parish Council (WHPC) EXTRAORDINARY Meeting
Agenda Item 23/064

21st February 2023

- 23/0325/PIP (Planning in Principle)
- Land At Toadpit Lane, West Hill, EX11 1LQ

1. Purpose

- For Councillors to consider the application for Planning in Principle for 2 no. Dwellings on land west of Toadpit Lane, West Hill, and decide on the representation they wish to make to East Devon District Council (EDDC) about the manner in which the application should be determined, having listened to the views of the community.

2. Planning (Permission) in Principle (PIP)

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.

The permission in principle consent route has 2 stages:

- the first stage (or permission in principle stage) establishes whether a site is suitable in-principle; and
- the second ('technical details consent') stage is when the detailed development proposals are assessed.

The relevant considerations for EDDC at the first stage are limited to assessment of the location, land use and amount of development.

3. Considerations

Councillors are asked to consider:

a. LOCATION

- i. This site is located at the top of a spur off the main metalled Toadpit Lane that runs from West Hill Road, West Hill to the B3174, Exeter Road. The West Hill Road end of Toadpit Lane is narrow and bends just where the spur turns off. The spur is a rough trackway that is unlit, uneven and without pathways, although itself is a public path and appears to be unadopted. At the top of the track is an east-west private 'road' to the left that leads towards the proposed site/field for development.

There is potential ambiguity in the application as to which access track is being referred to.

The east- west private 'road' is variously described in the application – in the site location map the red area covers part of the field and all of the east-west private 'road' from the top of the Toadpit Lane spur. In the PIP Statement, the red line covers the whole field and nothing else, but the blue lines include the first part of the east-west private 'road' closest to the top of the spur, and a section but not all of the east-west private 'road'.

- ii. The site is significantly outside the Built Up Area Boundary (BUAB) for West Hill determined in the Villages Plan 2018 and the Ottery St Mary and West Hill Neighbourhood Plan 2018.
- iii. The site is, therefore, in the Countryside, and development is contrary to Strategy 7 of the East Devon Local Plan (EDLP), *“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”*.
- iv. There are no specific Local or Neighbourhood Plans that would explicitly permit such development, so contrary to Strategy 27 EDLP – Development at the Small Towns and Larger Villages.
- v. The site is in open countryside, not adjacent to any dwellings and has a very rural character. There are open fields all around the site (contrary to the applicants claims). The nearest dwelling is approximately 100m away.
- vi. The site is about 1.2 km distant from the village centre facilities by the shortest walking route that is a hilly unlit uneven track with no footway. The only paved section is along West Hill Road, between junctions with School Lane and Beech Park (next to shop/post office).
- vii. The site is about 1.3 km from village centre facilities for vehicular traffic. It is accessible at the top of 600m (approx) of unlit unpaved rough track that is a spur off of the main section of Toadpit Lane that runs from West Hill Road to B3174 Exeter Road. The first section from West Hill Road, where a bus stop is located, is narrow and unpaved.

It is noted the applicant states they own the majority of the access road and ‘could’ make improvements. This appears to relate to the east- west private ‘road’ at the top of the Toadpit Lane spur, and not the rough spur trackway itself which is unlit, unpaved, etc. Further, if the east-west private ‘road’ is not in the applicants total ownership, have they secured a right of access over the portion not owned?

- viii. The proposed development area would be visible from Bendarroch Road, significantly changing the rural aspects.

Councillors are asked to consider if:

- Development at this site would constitute unsustainable development.

b. LAND USE

- i. The proposed development site is currently, and historically, a green field agricultural site. It would entail fringe development, urbanising a very rural area.
- ii. The submitted tree report is limited in its content by only considering the area to part of the east-west private ‘road’. The proposed development site block plan indicates significant trees and hedges around the site, and the indicative plan shows dwellings close to trees. Should this application progress to the Technical Details stage then clearly more arboricultural assessment would be needed.
- iii. At this stage there is no information on ecology, so the effects of development cannot be assessed.

c. NATURE OF DEVELOPMENT

Currently it is acknowledged that East Devon District Council (EDDC) cannot demonstrate a 5-year housing land supply. The latest calculation shows a 4.68 years supply. For this reason, para 11(d) of the NPPF is relevant, and some development policies may be considered out-of-date. The “tilted balance” applies, and permission should be granted unless “any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Councillors are asked to consider:

- the benefits of an additional two dwellings to the housing stock; and
- any potential harms if the site location is considered unsustainable eg consequent reliance on motor vehicles, environmental damage and/or adverse impact on unspoilt rural character.

4. Other relevant Planning Decisions

○ **Little Portion (13/1756/OUT) and subsequent appeal (2210478)**

The planning application at Little Portion (13/1756/OUT) and subsequent appeal (2210478) are very relevant. The application site is further up the spur track, at the end of the next private ‘road’.

The Inspector’s comments on the access, walking route and sustainability were as follows:

- *“6. The site is located on the rising ground to the north of the village and is accessed via a long and rutted unmetalled track off Toadpit Lane. This track is in particularly poor condition where it bends northwards towards the appeal site – this section is steep and partly eroded. A public footpath leads southwards off this bend in the track, crossing a stream and leading between houses onto Bendarroch Road. This footpath is steep and rutted, and was slippery and largely waterlogged on my visit; I consider it would be likely to be in such a state for much of the year. Although passable, it is not a suitable thoroughfare to access the village’s facilities because of these characteristics.*
- 7. West Hill’s principal facilities comprise The Post Office/shop, Primary School and Village Hall, which are situated in approximately the geographic centre of the village off West Hill Road. The appellant’s representations suggest that these main facilities are no more than a 15 minute walk from the site, and that the bus stops on West Hill Road by the garage are no more than a 7 minute walk; I am aware there are frequent services to Exeter and other nearby towns from here. I note that these walking distances are based on a walking speed of 80m/minute from the guidance in Manual for Streets. I walked both the footpath and access road links to these facilities during my visit. Taking into account the nature of their surfaces and the steepness of the terrain, it is clear that these*

walking distances are an underestimate of the time it takes to walk between the site and these facilities even for a fit adult, and would be significantly so in bad weather.

8. I also noted that the majority of the walking distance to the PO/shop would be along busy unlit roads with no footways. The only section of the route which has a pavement is that from the PO/shop to the corner of School Lane. I also note that the two sites the subject of recent planning permission for residential development are much closer to the PO/shop and Village Hall; the site for 4 large detached houses granted by the Council is virtually opposite the PO/shop and the site for 10 dwellings allowed on appeal in 2013 is a short distance to the west, and is mainly accessible via a footway on West Hill Road.

9. Although both these sites also lie outside the Built-Up Area Boundary [BUAB] of the village as defined in the East Devon Local Plan (2006) [LP], they are both adjacent to it and both are situated on the lower ground nearer to the heart of the village. In contrast, the appeal site does not adjoin the village's BUAB and is located on the steeply rising ground to the north. This area is heavily wooded, particularly next to the stream bed at the southern edge of the site and adjacent, and this area has a distinctly rural feel separate and distinct from the denser main part of the village, which explains why the site and adjacent sites do not fall within the BUAB.

10. Due to the generally poor condition of the private access track and its steepness at its western end near the appeal site, it is not likely, or even capable, of being used by cyclists from the proposed new houses. This would add to the site's inaccessibility other than by private car.

11. In terms of the site's accessibility I conclude that, due to its location near the top of a steep and rutted track and an even steeper and muddy footpath, and because there is no footway on the majority of the roadway required to access the village's main facilities, it is relatively inaccessible. It is therefore likely that residents of the proposed houses would use the car as their principal means of travel and the proposal would therefore be contrary to Policy TA1 of the LP, which requires new development to be located so as to be accessible by pedestrians, cyclists and public transport.

12. The proposal would also be contrary to guidance in the National Planning Policy Framework [NPPF], in particular paragraphs 17 and 35, which requires developments to be located on sites capable of being accessed by sustainable transport modes."

The Local Plan referred to in the Inspector's Report has been replaced by the East Devon Local Plan 2013-2031. The BUAB is currently as defined in the Villages Plan 2018 and the Ottery St Mary and West Hill Neighbourhood Plan 2018, and the application site is significantly outside it. The Transport Policy TA1 in the 2006 Local Plan has been replaced by Policy TC2 (Accessibility of New Development) in the current Local Plan.

○ **21/2531/FUL Land south of Treetops, Toadpit Lane, Dismissed Appeal 3303671**

This site is on Toadpit Lane itself, but a similar distance from the village facilities. The Inspector concluded that the site was not a suitable location for residential development and contrary to Policy TC2 of the EDLP. He stated

- *“The propensity to walk or cycle is influenced not only by distance, but also by the quality of the experience. For some pedestrians and cyclists the distances to nearby services and facilities and the physical demands necessitated by the steep nature of the topography would mean that sustainable methods of transport would not be an option. The use of such routes 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, it is likely that future occupants would be reliant on motor vehicles with the consequential environmental harm resulting from increased journeys.”*

5. Decision

- **Councillors to decide the recommendation they wish to make to EDDC, with the reasons for such.**

WHPC Strategic Planning Working Group