

Land to the NW of Courtlands Cross –

Appeal decision

The Inspector determined that there were 5 main issues:

- a) the effect upon the character and appearance of the area, including the setting and identity of the village of Lympstone;
- b) whether there is a shortfall in deliverable housing land and the implications for the housing objectives and spatial vision for East Devon;
- c) whether the proposals would preserve the setting of designated heritage assets, having particular regard to the Grade II listed Courtlands House and its Grade II listed boundary wall;
- d) the effect upon nature conservation interests;
- e) whether the scheme would include adequate provision to meet the recreational needs of residents of the proposed dwellings.

Of these The Inspector found a) and c) in favour of East Devon and b), d) and e) in favour of strategic land partnerships. Without doubt a) and b) were the key issues – outweighing the other 3. EDDC have relied on defence b) on two previous appeals at West Hill and Tipton St John – this was therefore a very significant loss.

I would quote from the Inspector as follows as his comments relate to a) and in particular Lympstone.

18. Having regard to many of the representations made by residents and visitors to the area, it is clear to me that the site is part of a cherished and valued landscape not least for its role in maintaining the distinct and separate identity of Lympstone. This is reflected within the Lympstone Parish Plan⁶, to which I attach some limited weight, and which states: *“The character of Lympstone is one of a discrete settlement and the preservation of the ‘Green Wedge’, ‘The Coastal Preservation Area’ and ‘The Area of Great Landscape Value’ between Lympstone and Exmouth are of supreme importance and must be preserved at all costs.”* The site is of more than ‘medium sensitivity to change’.
19. The proposed layout would be designed with the buildings set back from the edges of the site and served by a central spine road. Much of the existing hedgerows would be retained and the reserved matters could include new landscape planting along the boundaries of the site. This is intended to reduce the impact of the development upon the character and appearance of the area.
20. Other than the loss of four sizeable fields, the proposal would not harm any of the other key landscape features which are identified within the LPA’s published landscape character guidelines⁷ for this ‘lower rolling farmland and settled slopes’ character area. However, the provision of 154 dwellings on this site, approximately 2,416m² of business premises and other non-residential buildings, as well as roads, car parking and lighting would dramatically alter the character and appearance of the site and the contribution it makes to the landscape and scenic qualities of the area. This major development proposal would have very much more than a limited visual impact on this AGLV.
21. The development would seriously erode the unspoilt open qualities of the site and would markedly erode the integrity of the Green Wedge that separates Exmouth from Lympstone. Extensive planting along the northern boundary of the site and a gap of about 450m between the nearest proposed dwelling and the defined settlement boundary of Lympstone would not mitigate this major incursion into the setting of this village.

22. For many of those living within Lympstone, the new buildings and their associated activities and paraphernalia would, due to the topography, appear much closer than 450m. For residents living along the northern side of Courtlands Lane, users of this road and the East Devon Way, the proposal would, in effect, link with the development in the vicinity of Sowden Farm.
23. From parts of the village, Courtlands Lane and the East Devon Way the proposals would represent a very sizeable and unplanned/'creeping' encroachment of Exmouth into the surrounding countryside. Whilst the settlement limits of Lympstone and Exmouth would not physically touch, the proposal would blur the distinction between the town and village. This would considerably damage the setting and individual identity of Lympstone.
24. I note the appellant's arguments that the scheme would not result in settlement coalescence and the layout would be designed to discourage any suggestion of future expansion to the north. However, as borne out by the numerous letters of representation and the evidence given at the inquiry by some interested parties, for many of those already living within the area this would fail to allay their perception that the development would amount to or, at the very least, encourage coalescence.
25. For visitors travelling to Exmouth along the A376, the scheme would in effect, appear to move the 'entrance' to Exmouth 'to the exit' from Lympstone. If permitted, the proposal would not provide a more robust edge to Exmouth than exists at present. Furthermore, unlike the Dinan Way extension, which is allowed for within the LP, approving the appeal scheme could be interpreted by some as weakening the protection afforded to the Green Wedge and, in turn, could increase the pressure to release adjoining land for development.
26. There is much greater strength in the arguments of the LPA and the local community on the matter of coalescence. The proposal would be at odds with and could undermine the provisions of LP policy S6.

From these comments it is clear that The Inspector placed emphasis on The Green Wedge and its support by the Community and the Parish Plan.

His conclusion:

33. The proposal would seriously harm the character and appearance of the area, including the setting and identity of the village of Lympstone. This harm and the conflict with the 'saved' development policies that I have found lead me to conclude that in landscape/settlement terms this site is unsuitable for housing.

We need to be mindful of these words and maintain a fierce defence of the Green Wedge.

Other Issues

- 1) **On highways** The Inspector noted and gave support to our views but inevitably found in favour of the agreed stance between DCC Highways and SLP. This leaves the position very unclear for the future in this respect.
- 2) **Schooling.** The Inspector made some interesting observations:
 85. Many residents of the proposed dwellings would be children. The number of pupils on the school roll at Lympstone C of E Primary School exceeds capacity, as do the numbers of pupils on the school roll at Exmouth Community College. Some children from the development would be likely to attend these establishments. If this were to arise, it could harm the quality of education provision within the area.
 86. The financial contributions contained within the planning obligation (agreement) are based on a formula that includes Department for Education Cash Multiplier Rates for extensions to existing educational sites, with a separate allowance for ICT. The County Council's representative informed me that additional educational provision could be accommodated at both sites, although for Lympstone C of E Primary

School it would compromise play area. Whilst this would be most unfortunate, greater harm would ensue if the school was forced to accommodate a sizeable influx of children without adequate classrooms. The proposed contributions would be necessary to limit harm to the quality of local education. This is directly related to the development and fairly and reasonably related in scale and kind. It meets the tests I have noted above in paragraph 10. I am therefore able to take them into account.

3) Lymestone. The Inspector noted the work of the Community.

94. In addition to the Parish Plan that I have noted above, Lymestone Parish Council is also in the process of producing a new Neighbourhood Plan. It is clear to me that very many parishioners are prepared to meet the housing needs of the local community whilst safeguarding the valued Green Wedge. The Parish Council may well be right that this is the sort of community that the Government envisages as fulfilling its 'Big Society' and 'Localism' policies.
95. Local opposition or support for a proposal is not in itself a ground for refusing planning permission. Nevertheless, I am mindful of the overwhelming, if not unanimous, opposition to the scheme. Some of these concerns are founded upon valid planning reasons. I also understand the analogy drawn by the Parish Council regarding the appeal scheme and remarks attributed to the Prime Minister on 8 January 2012, in respect of development in the countryside and a "*great big housing estate being plonked down from above*". However, even if accurate, these remarks do not carry the same weight as the written Ministerial Statement I have noted above.

4) Costs Decision. The Inspector was required to adjudicate on the award of costs. Even though SLP lost the appeal The Inspector found in three instances that costs should be awarded in favour of SLP and against EDDC. The criteria are very clear "*..... costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.*" – as a rate payer you may have a view on this!

Conclusion – we won and we saw of this developer who threatened to destroy our community. It took a huge effort over nearly two years. It proved to those doubters in our community that big money can be taken on and beaten – but let's not be complacent – to quote Wellington after the battle of Waterloo it was '*A near run thing*'.

Clr Rob Longhurst