

Application No. 17/00652/MOUT

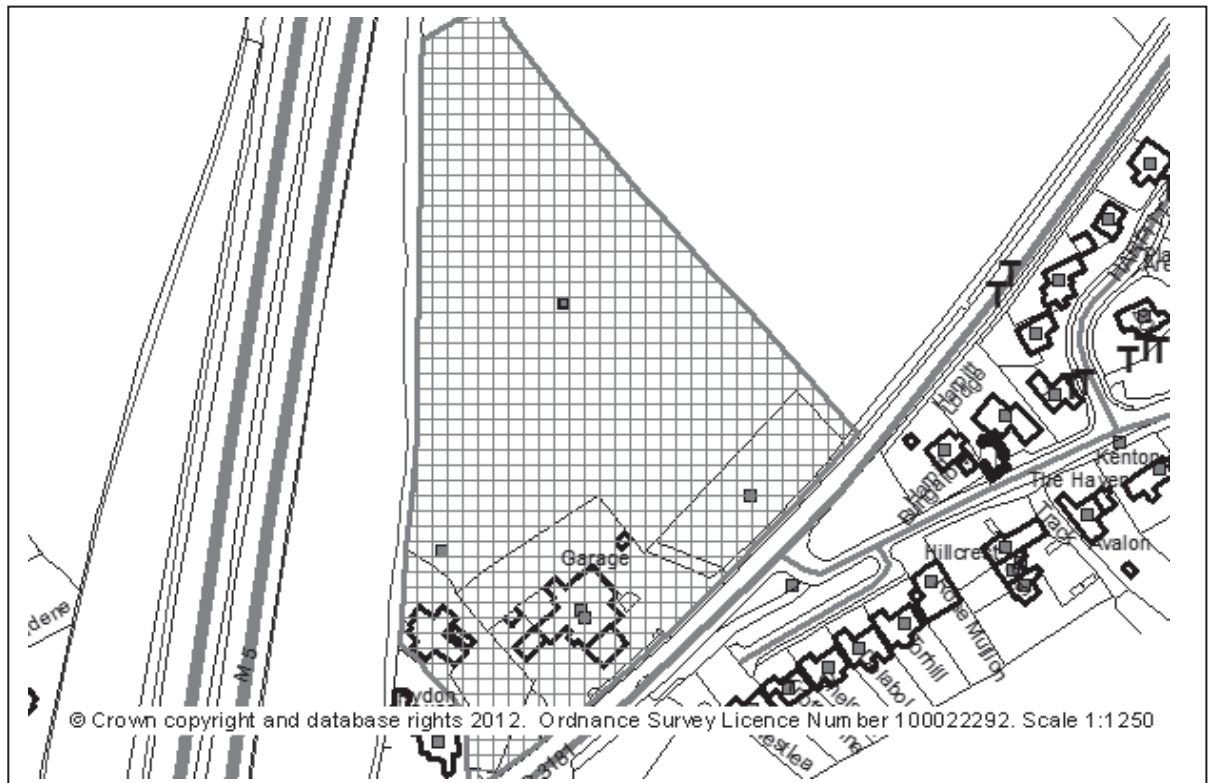
Grid Ref: 303116 : 110179

Applicant: Mr Wheatley

Location: Land at NGR 303116 110179 (NE of Rydon House)
Willand
Devon

Proposal: Outline for a mixed development of 30 dwellings, commercial buildings, access, public open space, landscaping, and associated works

Date Valid: 24th April 2017



APPLICATION NO: 17/00652/MOUT

RECOMMENDATION

Grant permission subject to the prior signing of a Section 106 agreement to provide for:

21 dwellings x £5,218 = £109,578 air quality contributions.

5 dwellings x £1,205 = £6,025 open space contributions together with the provision of onsite LEAP and sports facilities to provide for refurbishment (of Chestnut Drive Play Area Willand).

£102,390 based on £13,652 per pupil for provision of primary infrastructure for primary facilities education.

The phasing of the works to provide for the commercial units prior to demolition of the existing prior to the occupation of the 5th Market dwelling and Conditions, grant Planning Permission.

PROPOSED DEVELOPMENT

The proposal is an outline application for the erection of 30 dwellings and commercial building 340sqm of use class A 1-5, access, public open space, landscaping, 35% affordable housing and associated works, on land to the south west of Willand village. The proposal includes amending the existing access to the site and includes a further access point via the existing field access. Only the principle of the erection of 30 dwellings and the commercial unit on the site along with the access are to be determined under this outline application. The final layout, scale and appearance of the dwellings and landscaping of the site are reserved for later consideration under a reserved matters application.

The site comprises approximately 2.37 hectares of commercial buildings and agricultural pasture land. The proposal is to demolish the commercial units which will create an area of brownfield land of approximately 0.6 hectares. On site is a petrol garage and forecourt, restaurant, car sales, hairdressers, motor vehicle workshop. To the north and east of the site are presently agricultural fields although a planning application number 16/01811/MOUT for the construction of 259 houses has been submitted and refused, with the resultant appeal determined and dismissed, details of which will be further considered in regard to this application along with the appeal in full at Appendix 1.

There are a couple of residential dwellings immediately to the south west of the site one of which is included as part of this site. To the south east of the main road a collection of detached dwellings are to be found. However the proposed site is located to the extremity of the settlement limits although within walking distance of the facilities within Willand with appropriate foot paths and bus route along the main road.

APPLICANT'S SUPPORTING INFORMATION

Plans
Application Form
Design & Access Statement

RELEVANT PLANNING HISTORY

82/01266/FULL - PERMIT date 29th September 1982

Alterations to living accommodation and public toilets

87/00441/FULL - PERMIT date 9th April 1987

Installations of windows

87/00442/ADVERT - PERMIT date 9th April 1987

Consent to display three illuminated fascia adverts and one illuminated identification free-standing advert

87/00558/FULL - PERMIT date 5th June 1987

Alterations and extension to provide bakery improved service facilities & larger cafe and change of use from cafe to shop; and change of use from office to cafe

93/01914/ADVERT - PERMIT date 10th March 1994

Adv.Con. for the retention & repositioning of internally illumin. (static lit) identification sign & box fascia & installation of internally illumin. (static lit) spreader box sign

94/00283/FULL - PERMIT date 29th March 1994

Erection of extension to canopy

98/01437/FULL - PERMIT date 26th October 1998

Installation of underground petrol storage tank

00/01001/FULL - REFUSE date 4th October 2000

Change of use of land and provision of hard surfacing to facilitate the relocation of car sales area and associated portable car sales building

01/00551/FULL - REFUSE date 26th July 2001

Change of use to form additional car park and picnic area

01/01061/FULL - PERMIT date 27th September 2001

Installation of automated teller machine

02/02480/FULL - PERMIT date 30th January 2003

Installation of an automated teller machine

06/00027/FULL - REFUSE date 27th April 2006

Construction of replacement service station, convert service station forecourt to car sales area and shop to offices

07/00811/FULL - REFUSE date 28th June 2007

Erection of replacement service station, conversion of service station forecourt to car sales area and shop to offices

15/01086/FULL - PERCON date 23rd October 2015

Erection of petrol filling station including sales (200sqm shop), dispensing forecourt and canopy, underground tanks and associated pipework, air/water machine, parking, floodlights, service yard area and new surface finished, removal of existing pumps and relocation of car sales

OTHER HISTORY

16/01976/PREAPP - CLO date 16th June 2017

PROTECT - Development of mixed use retail/housing

16/01976/PREAPP - CLO date 16th June 2017

PROTECT - Development of mixed use retail/housing

REASON FOR APPROVAL OF PERMISSION

Mid Devon has been found not to be able to demonstrate a 5 year housing land supply and Mid Devon's policies on housing supply should therefore not be considered up to date.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. The proposal would make a small contribution towards increasing housing supply in Mid Devon and weight must be given to this. In addition, the site is screened from the north and highway safety, flood risk, archaeology and drainage concerns can be addressed via conditions. This also weighs in favour of the approval of the application, as do the financial contributions towards education facilities and play area provision, as well as the provision of 9 affordable dwellings on site. The site is able to accommodate 30 dwellings with associated amenity space, vehicle parking, cycle parking and bin storage in a manner that would not significantly affect the living conditions of existing residents to an unacceptable degree.

However, the loss of commercial units and in particular the petrol filling station and car sales from the site are not particularly welcomed and would be preferable for their retention. These facilities are well used by the local populace and it is considered their loss would impact on the community. The loss of these Community facilities will potentially damage the settlement's ability to meet its day to day needs and reduce the available supply in the immediate area. However, there is proposed a retail/commercial unit to relocate some of the existing businesses, or provide for new businesses. To the north of Willand is an existing petrol filling station which provides an adequate provision and to the south a car sales unit which has been long established.

Although considered to be outside the settlement limits of the village the site is adjacent to a section of the settlement which is within that settlement boundary. Although considered to be remote from the main centre of the village the site is actually contiguous with the settlement boundary of Willand.

Willand is considered to be a sustainable settlement in that its overall day to day facilities make it suitable for restricted housing growth that the existing Development Plan and emerging Local Plan Review consider appropriate for a limited level of development. Whilst Willand does have an education facility, and a few shops and facilities associated with the Village. Accessibility to a wider range of services within Willand is generally poor and there would be a high dependency on the usage of the private car, or the regular bus services which are available. The proposal would amount to sustainable development and therefore does not conflict with the sustainability objectives of the NPPF.

The proposal is considered to be in accordance with policies: COR1, COR9, COR12 and COR18 of the Mid Devon Core Strategy (LP1) and Local Plan Part 3 policy DM25 and the sustainability objectives of the National Planning Policy Framework.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1, Sustainable communities
COR2, Local Distinctiveness
COR3, Meeting Housing Needs
COR9, Access
COR11, Flooding
COR12, Development focus
COR17, Villages
COR18 Countryside

Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)

AL/DE/3, Affordable Housing Site Targets
AL/DE/4, Occupation of Affordable Housing
AL/DE/5, Inclusive Design and Layout
AL/IN/3 Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1, Presumption in favour of sustainable development
DM2, High quality design
DM8 Parking
DM21 Protection of employment land
DM25 Community facilities
National Planning Policy Guidance

SPD meeting housing needs
SPD open space
SPD parking provision
SPD refuse storage

CONSULTATIONS

WILLAND PARISH COUNCIL - 15th May 2017

The Parish Council discussed this application at the meeting on 11 May and has the following response.

This application requires the demolition of the existing, shop, filling station, restaurant, hairdressers, car repair workshops and residential accommodation. It will also require the removal of a car sales area and car parking. The restaurant and hairdressers are the only such businesses in the village.

This demolition will then create a modest area of 'brownfield' site. The larger area of the proposed site consists of open field agricultural land in open countryside. It is appreciated that this application is only for outline permission and access with all other matters reserved but the indicative plans and supporting information does attract comment.

It is considered that the proposed access is acceptable but strong representation is made for the speed limit on the section of the B3181 to be reduced from 40mph to 30mph as a precondition before and works commence. The submitted Transport Statement contains a number of inaccuracies

Paragraph 7 - Willand is a VILLAGE not a TOWN;

Paragraph 13 - Traffic on this stretch of road is heavy at times causing problems for vehicles, including busses, trying to emerge from Old Village at both ends of the stretch. This is likely to increase with developments in Cullompton and on the edge of Uffculme. The road is also the 'bypass' when the M5 is closed for any reason. Comment is made as to the few heavy goods vehicles whilst failing to recognise the weight restriction for the main road. The cumulative effect of these developments will only increase with time and put more pressure on Junction 28 at Cullompton and the roundabout at Waterloo Cross not forgetting the proposed development of land at Junction 27.

Paragraph 15 - There are not footways on both sides of the road as stated. As any children will be encouraged to walk to school along the main road serious consideration needs to be given to the widening of the footpath where there is no grass verge as the main road approaches the area near to the telephone box and bus stop in Silver Street.

Paragraph 16 - There are 3 bus services using this stretch of road or the nearby junction to Old Village.

Argument is made that the number of journeys made will be reduced if the businesses are removed but an alternative view is that this should only be given very limited weight as many of the recorded journeys are from vehicles calling in as they are passing going to or from destinations in the Cullompton direction. It could be argued that the loss of the business could result in more journeys into Cullompton as residents will have to go to Cullompton for services lost at the site.

The loss of the businesses will adversely affect the sustainability of the village community. The proposal to provide some commercial buildings may be considered as a potential site for a replacement hairdressers and restaurant but these will only be accessed through some housing and will be within the site and not visible from the road as the current businesses are. This may not make them a viable proposition. The proposal for B1 and B8 uses for these commercial units in such close proximity to residential housing is not considered acceptable. The proposed road widths on the estate

will be insufficient to cater for such traffic as generated by such businesses when residents or visitors may park on the road in front of houses.

A member of the public has advised that there is an historic well on the site which may be of interest to archaeologists or may have an effect on water courses if disturbed.

A number of COR policies appear to be relevant to this proposal and need to be considered as supporting a refusal to the application. Some of the issues are as follows: -

This will not enhance the self-sufficiency and vitality of the community. It will remove some facilities and add more people to be catered for in the church, preschool, primary school, village hall and youth club all of which are at capacity and not meeting the current need of the current community at times. There is already an identified shortage of public green open space and allotments. Regardless of public transport availability there will be more car journeys which have not been planned for.

It will have the potential to add to housing stock but the emerging local plan has already allocated 42 houses on a site outside of the settlement area of the village which is proportionately larger than the village share for housing across the District - Emerging Local Plan policy Wi1.

Willand is a village and development should be limited to minor proposals within defined settlement limits - COR17 under current plans and S13 under Emerging Local Plan. This area is outside of the settlement area.

This area is in open countryside, with the exception of the current garage, and development should be strictly controlled - COR18 under current plans and S14 under Emerging Local Plan. No case is made to go against this policy.

This application has created considerable interest and comment on social media within the area and at the time of writing only one person has indicated support.

This development would be mainly a block of housing isolated from the main part of the village and services and is not considered sustainable or appropriate.

Taking into account the information available, comments outlined above, together with current and emerging policies Willand Parish Council recommend refusal of this application. If approval is considered for recommendation by officers the Parish Council would wish to see the matter decided by Planning Committee.

HIGHWAY AUTHORITY - 11th May 2017

The site is located on the outskirts of Willand and is in part a substitution of existing uses and traffic generations. It is a matter for the Local Planning Authority to consider the sustainability merits of the site. It is intended to replace the traffic generated of the car sales and Petrol filling station (PFS) with the residential element of the development but retain on the site up to 342 square meters of commercial use, retaining the Cafe /Restaurant, shop, financial and professional services (currently there is a hair salon), office and storage and distribution. The applicant has submitted a transport statement, and has clarified to the Highway Authority distributions of the existing use of the PFS, shop, other uses and Car sales in the peak hour. The overall generations for the proposal have been shown to be a reduction in daily peak hour movements of 36 movements in the Am Peak and 34 movements in the PM peak. The Local Planning Authority will be aware of the Highway Authority concerns with regard to any additional traffic through the M5 junction 28 in the am peak and while there is an overall reduction, the Highway Authority needed to be satisfied that the movements in that direction are equivalent to or less than the existing generations. The distribution figures indicate that there are some 13 movements travelling to towards Cullompton from the existing uses in the am peak made up of the

PFS, Car Sales, shop, and 1 other. The Overall departures in the Am peak from the residential is 12 of which 50 % would be towards Cullompton as demonstrated by the recent planning application on the land adjacent therefore only 6 movements would be attributed to the residential development and 4 from the shop and other uses a total of 10 movements. These indicates a reduction to the existing movements and while the queue lengths at Junction 28 remain a concern and severe It would be unreasonable to recommend refusal of the application due to the reduction no matter how small that may be in material terms. The Highway Authority would seek a contribution to/or the relocation of the East bound bus stop to a location on Willand old village and the provision of a footway link to the west bound stop outside Digger land Therefore the Highway Authority would make no further observations and should consent be granted recommend various conditions which are set out below.

The Highways authority have been re-consulted on the need to reduce the speed limit at this site there comment is set out below;

The development would not receive a recommendation of refusal from the Highway Authority for a change in speed limit, there is ample visibility, and traffic generation is equivalent to existing use. The change in speed limits is not conditional and need to be undertaken through section 38. If it is considered appropriate and within policy this matter can be addressed through section 38 at a later date.

LEAD LOCAL FLOOD AUTHORITY - 17th May 2017

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant will also be required to submit Micro Drainage model outputs, or similar, in order to demonstrate that all components of the proposed outline surface water drainage system have been sized and designed to the 1 in 100 year (+40% allowance for climate change) rainfall event and that the proposed locations adequate space is allocated within the proposed development.

The proposed SuDS and the proposed attenuation strategy is assumed to meet the criteria for South West Water adoption.

It is proposed to discharge into a culvert which runs beneath the M5, Highways England should be consulted in order to clarify the proposed ditch and outfall into this asset is acceptable as the proposed outfall location is likely to be in land controlled by Highways England.

DEVON COUNTY EDUCATION - 11th May 2017

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 30 family-type dwellings will generate an additional 7.5 primary pupils and 4.5 secondary pupils.

The local primary is forecast to be at capacity and therefore Devon County Council will seek a contribution towards the provision of primary infrastructure with regard to these proposed dwellings. Our Primary contribution request is £102,390 (based on the current DfE extension rate of £13,652 per pupil for Devon).

DEVON, CORNWALL & DORSET POLICE - 2nd May 2017

It is appreciated that this is at the outline stage; as such I am unable to comment in depth. However, having reviewed the available drawing which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout; the physical security is now a consideration.

There are negative aspects to this application, promoting the opportunity for community conflict and crime and disorder to occur.

Dwellings where defensible space is totally missing, and public open space adjoins actual dwellings. Excessive permeability encouraging casual intrusion that is not serving the development, footpaths to the side and rear of dwellings. Isolate parking spaces. Potential conflict between residents and users of proposed commercial units.

Together these form a strong recipe for community conflict, anti-social behaviour and crime that is easily rectified at the design stage.

FORWARD PLANNING - 16th May 2017

Proposal

Outline Application for a mixed development of 30 dwellings, commercial buildings, access, public open space, landscaping and associated works.

Policy Context

The Adopted Local Plan

The proposal is outside defined settlement limits of the adopted local plan and is therefore contrary to Policy COR17 and COR18 of the Core Strategy (adopted 2007).

Policy DM25 'Community Facilities' of the Local Plan Part 3: Development Management Policies applies, which states that proposals involving the loss of community facilities will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community use, will applications for alternative use be considered acceptable.

Local Plan Review

The Local Plan Review process is well advanced. A pre-submission draft plan was the subject of public consultation between February and April 2015. In response to these representations, and as a result of ongoing discussions with statutory consultees, the Local Plan Review Proposed Submission (incorporating proposed modifications) went out for consultation 3 January - 14 February 2017. The Local Plan Review was subsequently submitted to the Secretary of State on 31 March 2017 and is clearly gaining statutory weight as it advances through the process.

The Local Plan Review concentrates development primarily at the towns as stated in Policy S2. "Other settlements will have more limited development which meets local needs and promotes vibrant communities".

Policy S13 makes it clear that development will be limited to within defined settlement limits. Willand

does benefit from settlement limits however this outline proposal is outside of the area covered by these settlement limits.

Policy DM23 states that proposals involving the loss of community facilities will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for alternative use be considered acceptable.

Conclusion

The proposal does not have current or emerging planning policy support given the site is outside of the defined settlement limits of current and emerging Local Plans.

Whilst the Local Planning Authority currently does not have a full five year housing land supply, it is considered that the scale of the development and the resulting imbalance in housing and local services would result in unsustainable development contrary to the National Planning Policy Framework.

The Council also has concerns over the net loss of local community/commercial facilities. Whilst it is acknowledged that 342 square metres of commercial development would be provided, the development would result in an overall net loss of 244 square metres. The applicant must provide justification for this loss to the satisfaction of Mid Devon District Council in accordance with policy DM25 of the Adopted Local Plan and DM23 of the emerging Local Plan Review.

Additional comments from planning policy following the receipt of the recent appeal adjacent to the site.

I have reviewed the Forward Planning advice previously provided to you in respect of the proposed development of 30 dwellings, commercial buildings, access, public open space,

Landscaping and associated works (application reference 17/00652/MOUT).

I concur with advice that has previously been provided at that time.

However, I am cognisant of the more recent appeal that was dismissed on 3rd November 2017 (application reference 16/01811/MOUT) in respect of the outline planning application for the development of up to 259 dwellings and the Inspector's reasons for this decision – notably the significant weight attached to the conflict with the development plan policies relevant to the scale and distribution of housing in Mid Devon.

I would suggest that there is now merit in weighing up the Forward Planning advice that has previously been provided to you, in light of this appeal decision, and the scale of the current planning proposal that is before you for determination.

NATURAL ENGLAND - 16th May 2017

The Wildlife and Countryside Act 1981 (as amended).

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

ENVIRONMENTAL HEALTH - 2nd May 2017

Contaminated Land - I acknowledge the detail in the planning statement and specific conditions should be included in any full application.

No objections to the rest

REPRESENTATIONS

There have been 72 comments received objecting to the proposal the following is a summary of those comments

1. Waste of green space
2. Petrol station and hairdressers are well used and a vital part of the village
3. Schools are at capacity
4. Parking and traffic in Willand is congested
5. Strain on local resources
6. Outside the settlement limits
7. Willand is a village not a town
8. The restaurant is well used and needs to stay

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development including 5 year housing land supply and sustainability
2. Recent Appeal Case
3. Highways and highway safety
4. Flood risk and drainage
5. Indicative layout, including parking and potential impacts
6. Landscape, visual amenity, ecology, archaeology
7. Section 106 including affordable housing, education and public open space and other financial considerations
8. Provision of commercial space
9. Planning balance

1. Principle of development including 5 year housing land supply and sustainability

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. It seeks to provide accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel and allow for ease of movement. Policy COR12 focuses development on the towns and states that other defined settlements should have only limited development to meet local needs and promote rural regeneration. Policy COR17 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits and permitted on allocations outside settlement limits. These villages are characterised by having some local facilities and

employment and access to public transport. Outside defined settlements, policy COR18 seeks to control development to appropriate rural uses including affordable housing to meet local needs (which can be cross-subsidised by market housing where necessary in accordance with policy DM9 of the Local Plan 3 Development Management Policies).

The development is proposed on agricultural, commercial/brown land in the countryside. The site is not allocated and is not being proposed for affordable housing. The proposal is therefore considered to be contrary to policies COR17 and COR18 of the Mid Devon Core Strategy.

However, Members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be out of date. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

The NPPF contains a presumption in favour of sustainable development. It requires local authorities to "boost significantly the supply of housing" and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions. Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations that are or can be made sustainable.

At paragraph 55, the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

At paragraph 54, the NPPF states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

The development is on part agricultural part commercial part brown field land and at present the entirety of the site lies outside the defined settlement limit for the village of Willand.

However, at appeal in 2016 the authority was found not to be able to demonstrate a 5 year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Part of the site (the agricultural land) was put forward in the Strategic Housing Land Availability Assessment (SHLAA) as site 5 land to rear of Willand service station. Stated within this assessment it considered the site to be in close proximity to the existing settlement, no European wildlife sites or designations, flood zone1, although some priority woodland along the south western edge (M5). The only concerns raised were the potential noise impact on residential amenity.

2. Recent Appeal Case Land off Silver Street Willand

There is a very recent appeal decision which must be considered in assessing the appropriateness of this application.

The adjacent site was submitted for planning approval for 259 dwellings the application was refused on three reasons.

1. Additional vehicular movements and impact on capacity in the vicinity of Junction 28 of the M5 Motorway.
2. Large scale development, unplanned, and development of this scale is planned for Cullompton area.
3. The proposal would be out of scale with the size of the settlement of Willand and be unsustainable.

The inspector considered these reasons when assessing the appropriateness of the application. And assessed the proposal on two substantive grounds

- i) The development plan strategy for the location of housing, the framework and the scale of the development in relation to Willand, and
- ii) Its effect on the efficient operation of the highway network in the vicinity of junction 28 of the M5, including having regard to any proposed mitigation measures.

His conclusion was

- i) There is conflict with policies COR17 and COR18. Some harm to the landscape, but reasonably well screened, and change the character of the area which would only be minor. As part of the Local Plan review part of the site is allocated for housing thus indicating that to meet growth there is a requirement to look outside the confines of the settlement limit, although for the level of development to be adequately supported by infrastructure etc. There are basic and modest provisions of services presently for the village. The inspector considered the appeal associated with Uffculme (30 dwellings) and drew similarities with Uffculme in terms of shops and services but considered a growth of 20% to be un-acceptable and undermine social cohesion in the village. Therefore the scale of the development was in conflict with policies COR1 and COR12 and the overall size of the development was excessive for the village of Willand.
- ii) Highways England (HE) has no objection on impacts to M5, Devon County Council (DCC) has issues with capacity of the roads in and around Cullompton. It was stated that there would be an adverse effect on the flow of traffic along Station road, around junction 28 and along the High street at AM peak traffic times. Even taking into consideration the development within and around Cullompton and the numbers associated with the proposed application the 5% increase in numbers of vehicles would have a negligible effect on overall traffic volume and flow. There is a regular bus service between Willand and Exeter, and opportunities to access the railway station at Tiverton parkway via a cycle ride of 3.6km, along with an available car park at the station. The inspector concluded that the proposal would be compliant with policies COR1 and COR9.
- iii) With regard to the lack of 5 year land supply the proposed supply of the 259 dwellings to contribute to housing supply carries significant weight. However the emerging Local Plan review envisages 42 dwellings including 30% affordable, which is substantially below that proposed. The inspector judged that the proposed would not create a mixed and balanced community as promoted by the NPPF, with no provision of shops or

services and facilities for the village, and so would unbalance the settlement and undermine social cohesion.

The planning balance concluded that no harm to highway network, or countryside. There would be economic benefit and a substantial increase in the availability of housing in Mid Devon. However significant weight is placed on the conflict with policies and the scale of the scheme impacting on the sustainability of Willand as a Village. Therefore the appeal was dismissed.

When considering the proposed scheme for 30 dwellings at this site some of the same issues apply to this case. It is unlikely that there will be any adverse impact on highways and indeed DCC has confirmed they have no concerns. The reason for dismissal of the appeal is the number of houses and its scale which would be imposed on the village of Willand. This proposal is modest in size (30 dwellings) along with commercial space. The emerging plan considers 40 dwellings to be acceptable for Willand; the inspector indicates 3% increase is acceptable based on Uffculme (following the previous 60 houses approved at appeal earlier) which has a residential number of approximately 1000 units, a 3% increase in dwellings associated with Willand based on 1368 house units (approx. based on 2011 census.) equates to 41 houses.

Although following a recent analysis of Willand households to-date that figure has risen to 1419 house units a net increase since the census of 51 dwellings over the past 6 years or so. This additional proposal will potentially provide a further 30 dwellings a cumulative increase of potentially 81 households over this time period and beyond to when developed.

This increase includes all windfall developments within the village settlement limits, both open market and affordable.

The present allocated plan for Willand includes 10 affordable units at AL/WI/1 (Willand Moor) and AL/WI/2 (West of B1381) 35 Affordable units, 28 (Silver Street 17/01179/MFUL) + 7 (13/00993/Full) of which have been provided or consented on this site. Therefore the proposal over the lifetime of the plan is 45 units with additional windfall sites.

The emerging Local Plan is considering 40 dwellings located at WI1 Meadow Park which includes part of the West of B3181 site which has already been consented and built out (7 units) remaining number being 33 units. Therefore there is a total increase over the life time of the two plans of 78 units within allocated sites not including any potential windfall sites.

The numbers proposed in this application maintain or closely relate to the expected increase over the lifetime of the two Local Plans

3. Highways and highway safety

Primary access to the site is proposed to be derived from an altered existing access onto the B3181 (Silver Street), with additional pedestrian accesses off Silver Street and a vehicular access point also being provided from Silver Street. The Highway Authority has indicated that it is satisfied with these arrangements and the layout of the new access onto the B3181. From a technical access perspective the access is acceptable. The Highway Authority has raised no concerns with regard to highway safety in the immediate vicinity of the application site and on this basis objections from members of the public in relation to such matters are not agreed with.

The application is supported by a transport statement which includes trip figures in relation to vehicle movements at two times of the day and that there will be an overall reduction in traffic generated from the site.

The figures are a snapshot in time and may not fully show the impacts of the proposed development on other parts of the highway network. J28 of the M5 at Cullompton has been the subject of queue monitoring, which identifies significant queues of traffic in the AM peak looking to reach the junction or pass over its bridge. These queues arise from the introduction of traffic signals at the junction which have reduced queue lengths of vehicles exiting the motorway, thus eliminating a previous highway safety concern but have exacerbated issues on the County network when combined with the poor operation of the roundabout serving the northbound on and off slips and the services. The queue

monitoring has shown the junction to be over capacity in respect of the County network and this will be further worsened by a major development for 266 dwellings currently under construction in Cullompton (known as Saxon Fields).

With these proposals and the information submitted the Authority still has major concerns with regard to the capacity of Junction 28 and the number of further dwellings on this site. The trip indicator does not take into consideration other development potential within the area.

However the recent appeal decision for the dismissal of the application for 259 dwellings on the adjacent site considered the impact the proposed would have on Junction 28, and concluded that there is a residual issue in this particular respect, and have a negligible effect on overall traffic volume and flows. It is therefore considered that this proposal for 30 dwellings and associated commercial space would receive a similar consideration if the proposal is considered for refusal on this aspect.

4. Flood risk and drainage

The site is in flood zone 1 and not liable to fluvial flooding. The LLFA have no in-principle objection to the proposed at this stage but would want to see further additional information to include Micro drainage model outputs, to ensure all drainage systems have been sized correctly. Also they require information regarding adoption and maintenance of the proposed surface water management system to ensure operation throughout its lifetime.

The proposed infiltration strategy proposes a number of SuDs sources control feature. However there is no proposed attenuation strategy and surface water should be managed at source. This detail could be supplied at reserved matter stage and considered then.

5. Indicative layout, including parking and potential impacts

2011 Census data for the Willand parish indicates a population of 3360 persons in 1368 households; since 2011 there has been minor new developments in the parish and so these figures are still fairly representative. However a recent interrogation of Willand mapping system shows there has been an increase in dwelling numbers since 2011 and the figure is now 1419 dwelling within the existing settlement limits of Willand. The potential addition of a further 30 new dwellings at this site would provide only a very small increase in the number of households in the parish. This would represent an acceptable increase in the size and scale of the village and also of the resident population, the proposal is considered to be minor development within the context of policy COR17.

Concerns have been expressed by the Parish Council and objectors with regard to the impact of development upon the infrastructure and facilities available in the village.

At present within the existing settlement limits the village is served by three shops (one of which contains a post office and one which is relatively small and associated with a petrol filling station), a public house, hot food takeaway, branch doctors surgery, village hall, youth club, tennis courts and playing fields, pre-school and primary school, football club and clubhouse (licensed and holds events). Outside the settlement limit within this application site is a petrol filling station with associated shop, restaurant, beauty salon, car repair garage and car sales. Planning permission exists on this site for a replacement garage and shop, to the north of Willand a food retail outlet of approximately 300 square metres on land at the Mid Devon Business Park but at the time of writing is unimplemented.

Nevertheless, these facilities are relatively dispersed throughout the village and for a settlement of this size it is unusual for there not to be a village core where the bulk of facilities are located and the overall number of shops and facilities could be considered as low. In comparison to, Bampton also (and proposed to be relabelled as a village in the emerging Local Plan) has a population (by Parish) approximately half that of Willand but has more shops, pubs and restaurants as well as a library, primary school, two public halls and recreational facilities.

In addition to the aforementioned facilities, there is a significant amount of employment floorspace in the village at South View Industrial Estate and the adjacent Mid Devon Business Park and slightly further afield at the 2Sisters site and Stan Robinson warehousing and logistics depot, both of which are located within a short walking distance of the village and accessible via the underpass below the

M5 by the junction of Gables Road.

The findings of the Inspector for an appeal for 60 dwellings adjacent to Uffculme in 2016 (known as Harvesters) are relevant in relation to the scale of development and considerations of sustainability. The Inspector found that it would be unrealistic to expect the village of Uffculme to achieve self-containment but nevertheless found that in a rural context, the village is a sustainable location for development. Public transport access is suitable for journeys to work and the mainline rail station is within cycling distance along a recognised cycle route. In respect of these points, Willand is in a very similar position as it is on the same bus routes as Uffculme and links to the mainline rail station via the national cycle network within a relatively short distance. The village is not served by a secondary school or library unlike Uffculme, however these are available within approximately 3 miles via public transport in either Uffculme or Cullompton and additionally there is a 4-weekly mobile library service to the village.

As part of the application, financial contributions have been requested by the County Council in respect of primary, education provision and legal costs. The applicant has agreed to contribute these requested financial sums.

In addition the application would deliver on-site public open space (POS) including a LEAP (locally equipped area of play) and a football pitch; the policy requirement is for an area of approximately 1,800sqm of POS and the currently submitted indicative layout and information states there is 0.54ha of Public Open Green Space (informal & Play) but this appears to include land required for the swale. However, it is accepted that the site is capable of accommodating the required amount of open space for the number of dwellings proposed. An off-site contribution by way of a financial contribution can be considered if insufficient space is to be provided.

Policy DM8 requires 1.7 parking spaces per dwelling to be provided on site and 4 cycle parking spaces per dwelling (3+ beds).

The proposed parking layout indicates scattered parking around the site with no specific parking to any of the units. This is not an acceptable style of parking the Authority would be looking for and would want to see these spaces with each of the properties. There is no indication on the plans as to cycle spaces or refuse collection. It is expected that this will be considered at reserved matters stage.

Whilst the plan is indicative only, it demonstrates that 30 dwellings can be accommodated on the site without there being an unacceptable loss of privacy for amenity for neighbouring residents, subject to orientation and sufficient separation distances being provided between new and existing dwellings. The outlook from existing dwellings along the site boundary would change but this change in itself would not warrant refusal of the application. There is no requirement to preserve a private view in considering a planning application. Some of the amenity spaces of the proposed are small and confined which will need to be addressed at any possible reserved matters stage. In addition the houses onto the main highway turn their back on the road and are inward facing; this is not an acceptable design and creates a non-inclusive atmosphere to the proposed site.

Following further discussions with the applicant's agent it has been discussed to provide the commercial/retail space to the right of the access facing the highway with appropriate levels of parking to ensure there is no requirement to reverse out onto the main highway. It is also appropriate to ensure there is continuity between the existing commercial units which wish to remain and transfer to the new units. Therefore the section 106 agreement will provide for the construction and availability of the commercial units prior to the demolition of the existing. The Highways Authority has confirmed that at this stage there is no requirement to alter the speed limit outside the site. Although they will monitor the situation.

6. Landscape, visual amenity, ecology, archaeology

The Mid Devon Landscape Character Assessment identifies the site as being within the Lowland Plains character area, which is typified by a low lying flat landscape with gently rolling middle ground. In support of the application is a submitted Landscape and Visual Impact Assessment.

The level of harm arising as a result of this development is not significant when looking at the application as a whole and considering the substantial delivery of housing that would arise. Furthermore, the majority of trees and hedges on the site are proposed for retention and with additional landscaping this vegetation will result in middle to long distance views toward the site being largely unaltered and would help to soften the impact of a significant number of houses being constructed. Overall, the impact upon the quality of the landscape and the visual impact of the development is not significant and limited harm would arise, thereby meeting with the requirements of the development plan in this respect.

Landscaping is a reserved matter. The application does not specify any landscaping, the site is fairly well screened from the north but will require delicate screening and planting to the south and east. However landscaping will be addressed at the reserved matters stage, should the application be approved. The development is considered to be in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 in this respect.

It is considered that should permission be granted that a condition be imposed on any planning permission to ensure that archaeological investigation is carried out before the development is constructed, this is to ascertain the importance or not of the suggested well in the area. The development would be in accordance with policy DM27 of the LP3 DMP in this respect.

7. Provision of commercial space

The site consists of a number of commercial units within the site; it is proposed to replace some of the floor space associated with the site. Presently there is some 420sqm of commercial space split into differing uses, set within buildings which have established over a number of years. The proposal is to replace the existing with smaller space 340sqm yet more appropriate and versatile units. Although there will be a loss of space at the site and the garage will close along with the car sales, this is considered not to damage the settlements ability to meet its day to day needs or result in the total loss of such services to the community. There is a petrol station to the north and on the edge of Willand, further south an established car sales unit.

The other shops and facilities would be able to transfer into the proposed new units if they so wished, subject to agreement with the owner of the units.

Notwithstanding the indicative plans submitted it is considered and agreed with Willand Parish that the proposed units should be located to the front of the site, and that the units should be a mix of A1, A2, A3 and possibly A5, to provide for this part of Willand and the wider environs.

The proposal will ensure that the replacement commercial units are provided prior to demolition of the existing by way of a section 106 agreement, to ensure continuity of services at the site and for the village.

It is therefore considered that although there will be some loss of space on the whole the proposed is compliant with policy DM25 and DM21 of the Local Plan, in that there are adequate other facilities within and around Willand.

The emerging Local Plan defines Community facilities which provide for the wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. It is therefore considered that the loss of the petrol station and the car sales does not necessarily fall into the parameters of community facilities.

8. Section 106 including affordable housing, education and public open space air quality and other financial considerations

Policy AL/DE/3 of the AIDPD which requires open market housing sites in rural areas of more than 2 dwellings to provide affordable housing at 35% of the number of dwellings by which the site exceeds the 2 dwelling threshold ($11 - 2 \times 35\%$), rounded down to the nearest whole. For this application, there would be a need to provide 9 affordable dwellings on the site.

Public open space is intended to be provided on site. However if sufficient appropriate space is not to be included then Policy AL/IN/3 of the AIDPD and Mid Devon's SPD on open space seeks financial contributions towards play areas and open space facilities where no on site provision is made. Accordingly, the applicant has agreed to enter into a Section 106 Agreement to secure any additional financial contribution towards Refurbishment of Chestnut Drive Play Area, Willand'.

Policy AL/IN/5 of the AIDPD provides that where new housing development will lead to education facilities being over-subscribed, the development will cover the cost of the additional facilities necessary. Devon County Council has requested an education contribution towards additional education infrastructure for the Primary contribution the request is £102,390 (based on the current DfE extension rate of £13,652 per pupil for Devon). This contribution will be used to increase the primary education facilities within the area of the development. There is currently capacity at the local secondary school; therefore a secondary contribution will not be required.

Policy AL/CU/15 Cullompton Air Quality Development in or adjoining Cullompton will be required to mitigate its likely impact on air quality in the Cullompton Air Quality management Area by contributing towards the cost of implementing the action plan. The proposed sum is 21 dwellings x £5218 = £109,578, to be allocated to a project associated with improvements to J28

9. Planning balance/Summary

Mid Devon has been found not to be able to demonstrate a 5 year housing land supply and Mid Devon's policies on housing supply should therefore not be considered up to date. Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

The proposal would make a small contribution towards increasing housing supply in Mid Devon in addition, the site is screened from the north and highway safety, flood risk, archaeology and drainage concerns can be addressed via conditions, there will also be financial contributions towards education facilities and play area provision, as well as the provision of 9 affordable dwellings on site.

The site is also able to accommodate 30 dwellings with associated amenity space, vehicle parking, cycle parking and bin storage in a manner that would not significantly affect the living conditions of existing residents to an unacceptable degree. These are the benefits of the scheme to which weight can be given.

In terms of the adverse impacts of the proposal it is important to consider the loss of commercial units and in particular the petrol filling station and car sales from the site are not particularly welcomed and it would be preferable if they were retained. These facilities are used by the locals and it is considered their loss may have a short term impact on the community. In assessing this issue it is important to consider that the loss of these Community facilities may not damage the settlements ability to meet its day to day needs and reduce the available supply in the immediate area as there is a replacement retail/commercial unit proposed to relocate some of the existing businesses, or provide for new businesses. The approximate area loss is associated with the petrol station and car sales in the region of 80-100sqm. It should also be noted that to the north of Willand adjacent to Mid Devon Business Park is an existing petrol filling station which provides an adequate provision and to the south at Five bridges a car sales unit (Culm Valley Car Sales).

The site could also be considered to be outside the settlement limits and in a relatively isolated position away from the built form of the village on the north western flank of the B3181 (Silver Street), but it must be noted that the site is adjacent to a section of the settlement on the south eastern flank of the road which is within that settlement boundary. Whilst the site is located a distance away from the boundary of the settlement limits on the North eastern flank of the B3181 it is none the less within walking distance of the facilities within Willand with appropriate foot paths and a bus route along the main road.

Willand is considered to be a sustainable settlement in that its overall day to day facilities make it suitable for restricted housing growth that the existing Development Plan and emerging Local Plan Review consider appropriate for a limited level of development. Whilst Willand does have an education facility, and a few shops and facilities associated with the Village. Accessibility to a wider range of services within Willand is generally poor and there would be a high dependency on the usage of the private car, or the regular bus services which are available.

On balancing all these issues it is considered that the proposal would amount to sustainable development and therefore does not conflict with the sustainability objectives of the NPPF. This is a finely balanced judgement which has been reached on the basis that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. On this basis the proposal is considered to be in accordance with policies: COR1, COR9, COR12 and COR18 of the Mid Devon Core Strategy (LP1) and Local Plan Part 3 policy DM21 and DM25 and the sustainability objectives of the National Planning Policy Framework.

CONDITIONS

1. No development shall begin until detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The detailed drawings required to be submitted by Condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels and materials, external lighting, retaining walls, drainage and ecological management plan based on the recommendations for ecological mitigation and enhancement contained in the submitted Ecological Appraisal by Ecological Surveys Ltd., dated August 2016, materials,
5. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
6. As part of the Reserved Matters submission/s referred to in condition 1, a Sustainable Urban Drainage Scheme and long term management and maintenance plan shall be submitted to the Local Planning Authority. The submitted details shall include a full drainage masterplan and associated drainage calculations also include a timetable for the implementation of the Sustainable Urban Drainage Scheme. The development shall be constructed and the Sustainable Urban Drainage Scheme provided, maintained and managed in accordance with the approved details submitted at Reserved Matters stage.
7. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed for the full construction period, has been submitted to and approved in writing by the Local Planning Authority. The plan must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site and must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.
8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent

of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a) human health,
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c) adjoining land,
 - d) groundwater and surface waters,
 - e) ecological systems,
 - f) archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

9. Prior to any development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

11. **Reporting of Unexpected Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.
12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.' The development shall be carried out at all times in strict accordance with the approved scheme.
13. No occupation of the development shall take place on site until the off-site highway works for the relocation of the eastbound bus stop into Willand Old Village, and provision of footway from

the existing pedestrian crossing to the Westbound stop outside Digger Land have been designed, approved in writing and have been constructed and made available for use.

14. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
15. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
16. No part of the development hereby approved shall be commenced until:
 - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - c) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - d) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
17. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.
18. The proposed replacement commercial units within the application site including any building(s) thereon shall be used for A1, A2, A3 A4 and A5 and for no other purpose (including any purpose in Class C3 or B1 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
19. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become

seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

20. As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedgerows are to be retained on the site as part of the development.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To enable the Local Planning Authority to consider [adapt to be specific to the application], in accordance with policies DM2, DM14 of Local Plan Part 3
5. For the avoidance of doubt and in the interests of proper planning.
6. To minimise flood risk and provide sustainable drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and in accordance with guidance contained within the DEFRA document 'Non-statutory technical standards for sustainable drainage systems'.
7. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
8. To ensure the development is carried out without detriment to the health and amenity of the work force and subsequent occupants of the site.
9. To ensure the development is carried out without detriment to the health and amenity of the work force and subsequent occupants of the site.
10. To ensure the development is carried out without detriment to the health and amenity of the work force and subsequent occupants of the site.
11. To ensure the development is carried out without detriment to the health and amenity of the work force and subsequent occupants of the site.
12. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.
13. To ensure that adequate information is available for the proper consideration of the detailed proposals.
14. To ensure the proper development of the site.
15. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

16. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
17. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
18. To ensure appropriate uses remain at the site to provide for the needs of Willand.
19. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2.
20. In the interest of the visual amenity of the area in accordance with policy DM2.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

Mid Devon has been found not to be able to demonstrate a 5 year housing land supply and Mid Devon's policies on housing supply should therefore not be considered up to date. Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

The proposal would make a small contribution towards increasing housing supply in Mid Devon and weight must be given to this. In addition, the site is screened from the north and highway safety, flood risk, archaeology and drainage concerns can be addressed via conditions. This also weighs in favour of the approval of the application, as do the financial contributions towards education facilities and play area provision, as well as the provision of 9 affordable dwellings on site (> 1,000 square metre floorspace) or a financial contribution towards off-site affordable housing (<1,000 square metres floorspace). The site is able to accommodate 30 dwellings with associated amenity space, vehicle parking, cycle parking and bin storage in a manner that would not significantly affect the living conditions of existing residents to an unacceptable degree.

However, the loss of commercial units and in particular the petrol filling station and car sales from the site are not particularly welcomed and would be preferable for their retention. These facilities are well used by the local populace and it is considered their loss would impact on the community. The loss of these Community facilities will potentially damage the settlements ability to meet its day to day needs and reduce the available supply in the immediate area. However there is proposed a retail/commercial unit to relocate some of the existing businesses, or provide for new businesses. To the north of Willand is an existing petrol filling station which provides an adequate provision and to the south a car sales unit which has been long established.

Although considered to be outside the settlement limits of the village the site is adjacent to a section of the settlement which is within that settlement boundary. Although considered to be remote from the main centre of the village the site is actually contiguous with the settlement boundary of Willand. Willand is considered to be a sustainable settlement in that its overall day to day facilities make it suitable for restricted housing growth that the existing Development Plan and emerging Local Plan Review consider appropriate for a limited level of development. Whilst Willand does have an education facility, and a few shops and facilities associated with the Village. Accessibility to a wider range of services within Willand is generally poor and there would be a high dependency on the usage of the private car, or the regular bus services which are available. The proposal would amount to sustainable development and therefore does not conflict with the sustainability objectives of the NPPF. The proposal is considered to be in accordance with policies: COR1, COR9, COR12 and COR18 of the Mid Devon Core Strategy (LP1) and Local Plan Part 3 policy DM25 and the sustainability objectives of the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Appeal Decision

Hearing held on 3 - 4 October 2017

Site visit made on 4 October 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 03 November 2017

Appeal Ref: APP/Y1138/W/17/3172380

Land off Silver Street, Willand, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gallagher Estates against the decision of Mid Devon District Council.
 - The application Ref 16/01811/MOUT, dated 18 November 2016, was refused by notice dated 17 March 2017.
 - The development proposed is outline planning application for residential development of up to 259 dwellings, with public open space, landscaping and associated infrastructure with all matters reserved except the vehicular access from Silver Street.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with only access to be considered at this stage. However, the application documents include a Concept Masterplan that identifies how the development might be laid out. It was agreed by the parties at the Hearing that this provides illustrative material only and I have treated it as such in my determination of the appeal.
3. A suite of planning obligations by way of Unilateral Undertakings (UUs) was submitted prior to the Hearing. However, also at the Hearing, the need for minor amendments was brought to my attention in respect of the proposed village entry signage. Following a round-table discussion, it was concluded by the parties and with which I am satisfied, that no such amendments in relation to this matter are necessary. However, amendments remained to be made to one of the UUs and I agreed with the parties a defined period of time after the close of the Hearing within which they were to address this matter and provide a final signed version of the relevant UU. I now have an executed set of planning obligations before me. Together, they make provision for affordable housing, on-site public open space, sustainable travel, education, healthcare, transport and highways.
4. It is common ground between the parties that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites (the five-year housing

land supply (HLS)) and that having regard to paragraph 49 of the National Planning Policy Framework (the Framework), the tilted balance contained within Framework Paragraph 14 therefore applies.

Background and Main Issues

5. The Council refused the application on two substantive grounds, which having regard to the Council's HLS, I consider give rise to the following main issues:

Whether any harm arising from the proposal would significantly and demonstrably outweigh its benefits having regard to:

(i) the development plan strategy for the location of housing, the Framework and the scale of the development in relation to Willand; and

(ii) its effect on the efficient operation of the highway network in the vicinity of junction 28 of the M5, including having regard to any proposed mitigation measures.

Reasons

Planning policy

6. The development plan for the District comprises the Mid Devon Core Strategy (2007) (CS), the Allocations and Infrastructure Development Plan Document (2011) (AIP) and the Local Plan Part 3 Development Management Policies (2013) (DMP).
7. The policies that feature in the Council's reasons for refusal of the application and which are therefore relevant to the determination of this appeal are: CS COR 1 (sustainable communities); COR 9 (access); COR 12 (development focus) and DMP policy DM1 (sustainable development).
8. Policy COR 1 sets out a series of policy measures which aim to manage growth so that it meets sustainability objectives, brings positive benefits, supports diverse community needs and provides vibrant, healthy and inclusive places for people. It includes a requirement for accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel, allow for ease of movement and provide safe environments. Policy COR 9 supports the broad objectives of policy COR 1 by seeking to co-ordinate development and transport planning to improve accessibility for the whole community, reduce car travel, encourage public transport use, cycling and walking.
9. CS policy COR 12 states that development will be concentrated at Tiverton, Cullompton and Crediton, with a limited role for Bampton. The policy goes on to say that other settlements will have only very limited development required to meet local needs and rural regeneration. It sets out development rates for these respective places. DMP policy DM1 reflects the presumption in favour of sustainable development set out in the Framework.
10. Although not included in the putative reasons for refusal, CS policies COR 17 and COR 18 are relevant and have been referred to by both parties. COR 17 designates a number of rural settlements as 'Villages' wherein development will be limited to minor proposals within their defined settlement limits and to allocations for: affordable housing meeting a local need; small scale employment and tourism; services and facilities serving the locality; and other very limited development which enhances community vitality or meets a local

social or economic need. Policy COR 18 seeks to strictly control development in the countryside and sets out a number of criteria against which development will be permitted in these areas. The broad objective of the policy is to enhance the character, appearance and biodiversity of the countryside by focussing growth in the market towns to reinforce their social and economic role and enhance self-sufficiency. Based on all that has been put to me, I am satisfied that these two policies are relevant to my considerations in this appeal and I have therefore taken them into account in reaching my decision.

11. The Council is in the process of preparing a Local Plan Review. The plan has been submitted to the Secretary of State and initial hearing sessions have been held on a limited range of policies. However, further hearing sessions have been adjourned pending the commissioning by the Council of an independent report to review the major modifications stage of the Sustainability Appraisal. Dates are yet to be published for the re-arranged Hearings as part of the Local Plan Examination process. The available evidence does not include any policies from the Local Plan Review although references were made to the housing allocation for Willand within it at the Hearing.

Location of housing and scale of development

12. The site comprises agricultural land located immediately to the south west of the built up area of Willand, which is recognised as a 'Village' in CS policy COR 17.
13. In my view, it is reasonable to conclude that there is a vast gulf between the scale of development proposed and what the development plan envisages for villages such as Willand as expressed in CS policy COR 17. I therefore consider the proposal to be in conflict with this policy.
14. The proposal would provide a substantial development of market housing and although there would also be an affordable housing element, this would be as a percentage of the total number of dwellings and there is no evidence before me that it would relate to an identified local need. Accordingly, the appeal scheme would not meet any of the criteria set out in policy COR 18 and therefore conflicts with it.
15. It is common ground between the parties that there would be some albeit minor harm to the local landscape¹. The site would sit between the M5 and Silver Street and it is reasonably well-screened in most of the available views although there are areas along Silver Street and Meadow Park, where there are more open views. The proposed development would clearly change the character of this part of the countryside and the dwellings would have some presence in the available views although this could be mitigated by the use of planning condition. Overall, I agree with the parties that there would be only minor harm to the character and appearance of the countryside.
16. As part of its Local Plan review, the Council has allocated land for development on part of the appeal site, which demonstrates a clear recognition that in order to meet its aspirations for housing growth, not all development can take place within the existing built confines of settlements. Given the current stage of the Plan's preparation I do not consider that its policies can be given any more than limited weight in this appeal. However, the general approach of allocating a site to accommodate a modest number of dwellings in Willand accords with the broad principles of the CS and the Framework in seeking to ensure the

¹ Statement of Common Ground paragraph 7.13

level of development is adequately supported by infrastructure and to support its health, social and cultural well-being.

17. The proposal would very substantially increase the size of Willand. Within the village, there are a number of dispersed services and facilities. However, taking into account the existing size of the settlement, they represent a somewhat basic and modest level of provision.
18. I have had regard to the findings of the Inspector in his decision² (HD3) relating to a scheme for 30 dwellings in Uffculme. The Inspector refers to the number of shops and services within that settlement and it seems clear to me that there are about the same number as in Willand. The Inspector considered the proposed 3% growth in Uffculme would be unlikely to undermine social cohesion in the village. However, the scale of development proposed in this appeal would represent a very significantly greater level of growth relating to a settlement with no greater level of services and facilities.
19. Although the appeal scheme proposes to contribute financially towards education and healthcare facilities in Willand, there would be no corresponding increase in the number of other services and facilities. I recognise that the existing businesses would not necessarily be harmed economically but the scale of the development would be at odds with the Council's strategy for locating the majority of new housing in and around the larger settlements in Mid Devon. For these reasons, the proposal conflicts with CS policies COR 1 and COR 12.

Highway network

20. Highways England (HE) does not object to the proposed development on transport grounds in relation to traffic impacts on the M5. However, Devon County Council (DCC) is responsible for the roads leading to M5 junction 28 and the Council's highway concerns relate to the capacity of the roads within and around Cullompton to accept the additional vehicular traffic it envisages will arise from the development.
21. It was put to me that the additional traffic generated would result in vehicles backing up along Millennium Way, which leads from the B3181 where it joins Station Road at a roundabout junction. The Council argues that this would have an adverse effect on the flow of traffic along Station Road, around junction 28 of the M5 and along High Street. At the Hearing, it was agreed by the main parties that the Council's concerns relate only to the AM peak traffic period and the eastbound flow of traffic towards junction 28.
22. The traffic modelling produced by DCC indicates that junction 28 is close to capacity when the traffic volumes predicted to arise from a number of allocated residential and commercial sites are included.
23. However, initially, an allocation at North West Cullompton envisaged 1100 dwellings and 40,000 sqm of commercial land but this latter element was reduced to 10,000 sqm before being increased again to 19,000 sqm although there remains some doubt over whether this will be fully achieved. In addition, allocations at Court Farm, Padbrook Park, Knowle Lane and Exeter Road amount to a total of about 565 dwellings. The modelling did not include the

² APP/Y1138/W/17/3178479

12,000 sqm commercial allocation at Venn Farm set out in the emerging Local Plan (eLP).

24. Improvements to junction 28 are proposed as part of the emerging East of Cullompton allocation. The Council argues that until these improvements have been implemented, there is insufficient capacity at the junction to cope with the additional traffic that it considers the appeal scheme would generate. However, even when taking account of all the above commercial allocations, their combined area still falls well below the initial modelled effects based on 40,000 sqm. The Council has allocated part of the appeal site for 42 dwellings. Taking this from the proposed number of 259 dwellings, it gives a residual increase of 217 dwellings over and above that allocation.
25. The survey work³ carried out by DCC revealed a significant queuing delay along Station Road with traffic queuing back from junction 28 to the High Street/Station Road junction. At the Hearing the Council accepted that the number of vehicles associated with committed development would be in the region of 48 per hour representing about a 5% increase. The proposed development is predicted to add a further 32 vehicles per hour.
26. It is clear from the connections between the roads that lead from the appeal site into Cullompton that the obvious and logical route for drivers would be initially to head south along Silver Street/B3181 before turning left into Millennium Way. The available evidence indicates that based on the number of vehicles generated, there would be about 1 additional vehicle adding to the back of any queue along Millennium Way every two minutes.
27. Accordingly, in order for any delays in journey times not to worsen, there would need to be a corresponding movement of vehicles from Millennium Way onto Station Road. This would rely upon two main factors in my view. Firstly, there would need to be sufficient opportunity for vehicles to turn left from Millennium Way into Station Road at its roundabout junction and secondly, the cycle time of the signalised junction at the southbound on and off-slip roads of junction 28 would need to be adequate to ensure traffic flowed without backing up.
28. I was able to make my site visit early in the morning and took the opportunity to travel to Cullompton to assess the volume and flow of traffic during the AM peak travel period. I observed that although traffic was queuing for much of the way along Station Road from the roundabout at the top of the northbound on and off-slip roads at junction 28, it was not backed up all the way to the junction with High Street and was moving steadily. There was also a steady flow of traffic between the roundabout and traffic light controlled junctions at the junction 28 slip roads and no clear signs of unacceptable delay.
29. This corroborates the evidence⁴ of DCC's highways officer that because the traffic light junction operates under the MOVA system, the queue of traffic only extends as far back as the nearby roundabout once every ten cycles. At my site visit, this seemed to me to be adequate in ensuring a modestly paced but nonetheless steady flow of traffic along Station Road and Millennium Way towards junction 28.

³ Cullompton Queue Length Monitoring June 2016 (included as Appendix K of the appellant's Transport Statement of Case ref W15243_Ap_01_C, which in turn forms Appendix 1 to the appellants main Statement of Case).

⁴ Appendix 3 of DCC's Statement of Case (actually titled 'Proof of Evidence')

30. Moreover whilst there was a queue along a short section of Millennium Way, I observed vehicles merging steadily onto Station Road. I am not therefore convinced by the Council's arguments or those of interested parties that there is a residual issue in this particular respect. Given the modest number of vehicles associated with the proposed development that would join the back of any queue, I am not persuaded that there would be any material effect on the volume or flow of traffic approaching Station Road from Millennium Way or by extension, that there would be any knock-on effects elsewhere on the local highway network. Furthermore, I have nothing of substance before me to counter the appellant's evidence that vehicle delay times because of queuing are in the region of only 93 seconds. In my view, this is not a significant delay.
31. Notwithstanding all of this, because of the various locations of committed developments around Cullompton, the traffic associated with them would be unlikely to travel along Millennium Way. Having said that, it could add to the general volume of traffic along Station Road during peak travel periods. Nevertheless, the increase in the number of vehicles is predicted to be low at 5% and I am satisfied that this will have a negligible effect on overall traffic volume and flows.
32. Interested parties also raised the issue of traffic associated with the two local quarries and a landfill site. However, no information was submitted to show where these are and how they would impact upon traffic through Cullompton towards M5 junction 28 during the AM peak travel period. Furthermore, although the figure of 487 daily vehicle trips was suggested in relation to these sites, there is no empirical evidence as to how they affect the AM peak period. I accept that the PM peak period may also be affected but I have no compelling reason to step away from the Council's contention that the predicted effects of the proposed development would be during the morning. Neither do I have any substantive evidence to suggest a growing adverse cumulative traffic effect in Cullompton. Indeed, the evidence actually indicates a reduction in traffic in this area between 2012 and 2017 even though there has been some growth in development.
33. It was also put to me that there would be an unacceptable effect on the area around Waterloo Cross, which is located to the north of Willand and where there are distributor routes to M5 junction 27. However, there is no clear evidence before me that the proposed development would result in traffic issues in this area, particularly given the modest number of predicted vehicle trips. I therefore give this argument little weight.
34. However, and notwithstanding the appellant's stance in relation to the residual and cumulative impacts of the proposal, a suite of sustainable transport measures have been put forward in order to encourage a modal shift to sustainable forms of travel. These include financial contributions towards: advertising and publicity of the Carshare Devon Scheme within Willand; the improvement of bus services between Exeter and Willand; the promotion of rail usage through marketing events; and undertaking Personal Travel Planning for all dwellings within the proposed development and an additional 400 dwellings in Willand.
35. The parties agree that the proposed package of measures would deliver a modal shift but disagreement remains over the level of such a shift and

whether it would be successful in achieving its objectives of reducing car journeys.

36. It is clearly impossible to accurately predict what the take up of such measures would be; particularly car sharing and bus travel. Nevertheless, in terms of car sharing, given that it was put to me that there is existing informal car sharing taking place in Willand, the further promotion of this travel option would appear to offer greater potential for car sharing through a formalised scheme. The appellant's evidence clearly sets out that the Devon Car Share Scheme is a successful one and I have no reason to doubt that this could not apply to Willand.
37. There is a regular bus service between Willand and Exeter with stops very close to the appeal site. The Council's evidence suggests a high take up of this form of transport which to me indicates its popularity. It was put to me that the bus times do not tie in well with journey to work times. However, the bus operator proposes to increase frequency such that buses would arrive in Exeter between 0830 and 0930, which would be within a suitable time period for getting to work. This would initially be funded by the appellant. In my view, the bus operator's proposition that the service would be self-financing after the scheme period would be likely to prevent the previous situation where the service was reduced following the expiration of funding, particularly when taking account of the high level of current bus use.
38. There are also opportunities to access the railway station at Tiverton Parkway via a cycle ride of about 3.6km, much of which is along a formalised cycle route. There is then a half-hourly train service to Exeter St Davids with onward rail travel into the city centre. There is also a car park at the station that would allow for short car journeys from the proposed development.
39. In addition to the above measures, the appellant proposes to provide Personal Travel Planning. This has been shown to be successful in other areas, resulting in a 19% modal shift from single occupancy car travel to sustainable forms of transport. I have no substantive contrary evidence to indicate that this could not also be achieved in Willand, both for the proposed development's occupiers and within the settlement more widely.
40. None of this means that a significant number of households would not still be likely to rely on the car for day-to-day shopping trips and to access other services and facilities in Cullompton. This is mainly because of the convenient and attractive option of it being only about a 10 minute car journey away. Having said that, there is no requirement in the development plan for car travel to be eliminated altogether.
41. On the balance of probabilities, I consider that the package of sustainable transport measures put forward would achieve an acceptable modal shift in the travel patterns of those occupying the proposed development and elsewhere in Willand.
42. The Council asserts that to allow the proposed development to go ahead would frustrate the delivery of other developments. At the Hearing, it was clarified that this would only be in relation to highway effects. However, for the reasons I have already set out, I am satisfied that there would be no severe residual and cumulative highway impacts resulting from the proposed development.

43. For the above reasons, I am satisfied that the proposal would not result in a material adverse effect on the volume and flow of traffic during the AM peak travel period within Cullompton or elsewhere on the local and strategic highway network. I am also persuaded that the measures put forward for encouraging the use of sustainable transport modes would be sufficiently effective in reducing car use. As such, the residual and cumulative impacts of the proposed development would not be severe. Thus the proposal would accord with the travel-related objectives of CS policies COR 1 and COR 9.

Planning obligations

44. The proposal makes provision for 35% affordable housing on the appeal site which would accord with the provisions of AIP policy AL/DE/3. I am satisfied that there is sufficient development plan policy justification for the obligation on affordable housing and that it would comply with paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL).
45. The obligations also provide for a Travel Information Pack that would be provided to all residents in Willand promoting Car Share Devon and Tiverton Parkway station. A Travel Plan would also be agreed which would provide personal travel planning for up to 400 residents in addition to those occupying the proposed development. However, given that this would range more widely than the development itself, I do not consider that these aspects of the obligations are necessary to make the development acceptable in planning terms. Thus, they would not accord with the Framework tests or the CIL Regulations.
46. Insofar that the provisions in the UUs relating specifically to mitigating the effects of the proposed development on transport and highways, they are neutral factors that could not be weighed in favour of the development in the planning balance. As I am dismissing the appeal for other substantive reasons, with the exception of affordable housing, I do not consider these obligations further.

Other Matter

47. On the other side of Silver Street, the built form of the settlement extends considerably further south and in part comprises Willand Old Village. A substantial proportion of this part of Willand is designated as a Conservation Area (CA).
48. Most of the CA is concentrated away from the appeal site and there is a substantial area of other residential development in between as well as Silver Street itself. I am therefore satisfied that the proposal would not result in harm to the setting of the CA.

Planning Balance

49. The level of the Council's HLS shortfall was considered by the Inspector in the Uffculme appeal to be between 4 and 4.5 years based on the conclusions of previous Inspectors in appeals on other sites in the District. There is no evidence in this current appeal that there has been any material change in the Council's HLS position since then. It was agreed by the parties at the hearing that the HLS is in the region of 4 to 4.5 years and I have no reason to take a different view.

50. The Framework states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. There are no restrictive policies in the Framework that indicate development should be restricted in this instance. At the heart of the Framework is the presumption in favour of sustainable development, which has three mutually dependent dimensions - economic, environmental and social.
51. CS policies COR 17 and COR 18 are contributing to a restriction on bringing forward development in the District in line with the Framework requirement to boost significantly the supply of housing. Accordingly, the appeal scheme's conflict with these policies is limited.
52. The Framework seeks to boost significantly the supply of housing. In this respect the contribution of 259 dwellings to housing supply in a District where there is currently a shortfall carries significant weight. The Framework also says that local planning authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. The appeal scheme would result in 35% of the total number of proposed dwellings being affordable, which on the face of it would represent a significant benefit.
53. However, the emerging Local Plan Review envisages 42 dwellings including 30% affordable housing for Willand. This is very substantially lower than both market and affordable housing growth proposed in this appeal. Even if I were to accept that the need for housing could be greater than planned for in the CS in order to reflect the Full Objectively Assessed Need for Mid Devon, I am not persuaded that a development on the scale proposed would be likely to reflect a requirement to meet identified local needs for either market or affordable housing. Furthermore, I have not been made aware of a pressing need for affordable housing in Willand such that the scale of housing proposed should override the provisions in the development plan.
54. Moreover, all of this must be considered in the wider context of creating a mixed and balanced community as promoted by the Framework. I am not persuaded that the proposal would make satisfactory provision for the shops and services that would be necessary to meet the growing needs of a village resulting from such rapid and substantial expansion. The influx of new households on the scale proposed would place additional pressure on the overall limited range of services and facilities in the village and whilst I accept that it is not necessary for the proposed development to be self-contained, I consider it would unbalance the settlement and undermine social cohesion. I give significant weight to the appeal scheme's conflict with the development plan and the Framework in this regard. This in turn limits the weight that I give to the appeal scheme's contribution to market and affordable housing.
55. Given that the Framework seeks to promote the vitality of our main urban areas, it seems to me that this chimes with the Council's development focus as expressed in CS policy COR 12. Insofar that CS Policies COR 1, COR 9, and DMP policy DM1 also seek to promote sustainable forms of development, I consider them to be in general conformity with the broad sustainable

development objectives of the Framework. I therefore give significant weight to the appeal scheme's conflict with these development plan policies.

56. The Framework says that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. There is good availability of sustainable transport options in Willand, which would be further enhanced as part of the appeal scheme. In this regard, I do not find any material conflict with the Framework or the development plan.
57. There would be other benefits from the economic uplift likely to result from the construction process and as I have already said there would be no harm in terms of the retention of existing local businesses.
58. There would be minor harm to the character and appearance of the countryside. However, I do not consider that this would be of sufficient consequence to weigh materially against the appeal scheme. This general absence of harm is therefore a neutral factor in the overall planning balance.
59. In terms of the transport impacts of the proposal, Paragraph 32 of the Framework says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. For the reasons set out in my consideration of the second main issue, I do not find that to be the case here and thus this is also a neutral factor in the overall planning balance.
60. To conclude on the planning balance, I have not found harm in respect of the appeal scheme's effects on the highway network or, on balance, to the countryside. I have found that there would be some economic benefits of the appeal scheme. The proposal would also result in a substantial increase in the availability of housing in Mid Devon. However, I attach significant weight to its conflict with the development plan policies relevant to the scale and distribution of housing in Mid Devon and which I consider broadly reflect the sustainable development principles in national planning policy. In my view, the totality of these adverse impacts significantly and demonstrably outweighs the benefits of the appeal scheme.

Conclusion

61. I have taken into account the Council's HLS shortfall and have attached appropriate weight to the appeal scheme's benefits. I have found that, in some respects, the proposal is supported by certain Framework and development plan policies. However, in undertaking the tilted balance, the benefits of the appeal scheme do not override all other considerations. Accordingly, when the Framework is read as a whole, the proposal would not be sustainable development. As such, the Framework does not indicate a decision other than in accordance with the Development Plan.
62. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector

Alison Fish BA(Hons) DipTP MRTPI Mid Devon District Council

Ian Sorenson Devon County Council

INTERESTED PERSONS:

Councillor Bob Evans	Member, Mid Devon District Council
Councillor Barry Warren	Willand Parish Council
James McKechnie	Hydrock, on behalf of Messrs Dorse

DOCUMENTS SUBMITTED AT THE HEARING

HD1 Technical Note 07 prepared by Jubb dated September 2017
HD2 Two copies of Unilateral Undertaking dated 2 October 2017
HD3 Appeal Decision APP/Y1138/W/17/3178479
HD4 A3 version of Proposed Site Access General View Drawing SK_001
Rev A HD5 A3 version of Proposed Site Access Drawing SK_001_01 Rev A

DOCUMENTS SUBMITTED AFTER THE HEARING

PHD1 Unilateral Undertaking dated 11 October 2017