



Report to the First Secretary of State

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 77

TORRIDGE DISTRICT COUNCIL

APPLICATION

BY

HIGH BICKINGTON PARISH COUNCIL

Inquiry held on 17, 18 and 19 January 2006. Site visit held on 18 January 2006

Land at Little Bickington Farm, High Bickington, Umberleigh, Devon.

File Ref: APP/W1145/V/04/1172125

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Land at Little Bickington Farm, High Bickington, UMBERLEIGH, DEVON.

- The application was called in for decision by the First Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 23 December 2004.
- The application is made by High Bickington Parish Council to Torridge District Council.
- The application Ref. 1/2167/2003/27/OUT is dated 13 November 2003.
- The development proposed is “1.02 ha of land to provide a new village school (together with playing fields and playground), 52 dwellings on 2.35 ha of land gross (comprising ‘affordable’, general market housing and self build homes), health, community and retail uses (0.94 ha), the provision of open space (1.26 ha), and a community woodland (2.42 ha).”
- The reason given for making the direction was that the proposals may conflict with national policies on important matters.
- On the information available at the time of making the direction the matters on which the Secretary of State particularly wished to be informed, for the purpose of his consideration of the application, are set out below.
 - i) The extent to which the proposed development is in accordance with the development plan for the area, having regard in particular to the relevant policies in the approved Regional Planning Guidance for the South West (RPG10) and the adopted Devon Structure Plan (2004) and Torridge Local Plan (2004).
 - ii) The extent to which the proposed development is consistent with RPG10, in particular: policy SS2, that development should take place primarily at the principal urban areas, at other designated centres for growth, and that development elsewhere should be to meet local needs; and, policy HO4, that, in rural areas, limited additional housing should be provided where it will support local services or economic development and/or is required to meet the needs of the rural communities, including affordable housing.
 - iii) The extent to which the proposed development is consistent with the Government’s objectives in PPS7 Sustainable Development in Rural Areas to: raise the quality of life and the environment in rural areas, particularly by: promotion of thriving, inclusive and sustainable rural communities; and, protecting the open countryside for the benefit of all; promote more sustainable patterns of development, particularly by: focusing development at local service centres where employment, housing, services and other facilities can be provided close together; and identifying local service centres (characterised in paragraph 3) in the development plan.
 - iv) The extent to which the proposed development is consistent with Government housing policies in Planning Policy Guidance Note 3 – Housing – with particular regard to: a) the need for the proposal to meet housing requirements identified in the Devon Structure Plan and the Torridge Local Plan, taking account of planning permissions elsewhere in the village; b) whether a sequential approach to site selection for housing development has been followed, taking account of the availability of previously developed land and buildings and of any comprehensive and adequate urban capacity study; c) the availability of windfall sites, in the light of paragraphs 35 and 36 of PPG3; d) the accessibility of jobs, shops, and other services from the site by modes of transport other than private car, and the potential for improving such accessibility; e) the capacity of existing and potential infrastructure, including public transport, water, other utilities, and particularly sewerage, school and health facilities and other social infrastructure to absorb additional demand from the proposed development, and the prospect of any necessary infrastructure improvements being delivered in a reasonable time frame; again, taking account of planning permissions elsewhere in the village; f) whether the proposed development would secure an appropriate mix of dwelling size, type and affordability, taking account of any housing needs assessment by the Council; g) whether the proposed development would make the best use of land, taking into account its density, layout, design, and the level of car-parking provision, having regard to the advice in paragraphs 54-62 of PPG3; h) whether the proposed development would represent good design and create a high quality, attractive safe, pedestrian friendly and energy efficient residential environment with its own distinct local identity, responding to the townscape of the village and the landscape of the locality, having regard to the advice in paragraph 56 of PPG3.

- v) The extent to which the proposed development is consistent with the advice in DETR Circular 6/98, particularly: what evidence there is of need for the proposed affordable housing; what mechanisms are proposed to ensure the initial delivery of the affordable housing and, if appropriate, reserve it for that purpose in perpetuity; whether the proposed self-build houses are intended as affordable housing, and, if so, what mechanisms are proposed to ensure that.
- vi) The extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 13: Transport, in particular on the need to locate development in a way which helps to: promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel, especially by car.
- vii) Whether the scale and location of the proposed development are consistent with the relevant guidance in RPG10, PPG3, PPS7 and PPG13 above.
- viii) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable; in particular, whether the proposed development and obligations are consistent with the guidance in paragraph B2, that acceptable development should never be permitted because of unnecessary and unrelated benefits offered by the applicant.
- ix) Whether any permission granted for the proposed development should be subject to any conditions and, if so, the form these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex.
- x) Any other matters that the Inspector considers relevant.

Summary of Recommendation: The application be refused.

Procedural Matters

1. The application is for outline planning permission. The application form specifies that all matters, other than siting, are reserved for subsequent consideration. The applicant and the Local Planning Authority informed me at the inquiry that this is an error. Both main parties agreed that siting was reserved for later consideration, and instead it was only the means of access that was not a reserved matter. My report has been made on this basis.
2. Prior to the Inquiry the applicant submitted a revised drawing (Plan B2 listed below) showing alterations to the proposed means of access from the B3217. This drawing has not been subject to any formal consultation by the Local Planning Authority. The applicant however made this plan available during a public exhibition in the village over the weekend of 29 and 30 October 2005. A revised Master Plan (submitted for illustrative purposes only) of the proposed development (drawing No. 5302 S3b to Document 16) was also on display at that exhibition. The County Council, as Highway Authority, has commented upon these revised access arrangements (Document 6). The applicant wishes the proposal to be determined on the basis of these revised plans. There was agreement amongst those attending the Inquiry that no party would be prejudiced if these revised access details were taken into account in determining the application.
3. The applicant also informed me that the site area specified in the application form (totalling 7.99 ha) and the site area (8.25 ha) referred to in the statement submitted in support of the proposal (Document 7 – para 1.1) were both incorrect. The actual site area as originally applied for was in excess of 8.25 ha. At the Inquiry, a revised site plan was submitted (Plan B1) showing the deletion of a parcel of land to the north west of the existing buildings at Little Bickington Farm (referred to at the Inquiry as “the Gooding land”). The applicant has calculated that the revised site area measures 8.366 ha (Document 9). None of those parties present at the Inquiry, including the owner of “the Gooding land”, considered that any party would be prejudiced if this revised site plan were to be taken into account in determining the application.

4. Devon County Council acting, amongst other things, as principal landowner of the application site and co-sponsor of the scheme, along with Head Projects (acting as project manager) were made Rule 6 parties to the proceedings. At the Inquiry there was agreement between these Rule 6 parties, the applicant and the Local Planning Authority that the evidence given on behalf of Devon County Council and Head Projects would be treated as forming part of the applicant's case. My report has been made on that basis.
5. A planning obligation, under the provisions of section 106 of the Town and Country Planning Act 1990, was submitted in support of the application (Document 10). This sets out agreement between the applicant, Devon County Council, the applicant's agent and the Local Planning Authority in respect of matters that include the phasing of development and the provision of various community facilities. This obligation had not been completed by the close of the Inquiry. A Statement of Intent, from those parties that are to be subject to this agreement, indicates that a completed obligation would be submitted to the First Secretary of State (Document 11).
6. A Screening Direction pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 was issued on behalf of the First Secretary of State in February 2005. This confirms that the proposals are not EIA development.

The Site and Surroundings

7. The application site lies to the south of the village of High Bickington. It includes farmland, hedgerows and a group of buildings known as Little Bickington Farm. This group comprises the farmhouse and a range of farm buildings. These farm buildings include some traditional stone and slate barns. All of the buildings are accessed via a driveway that runs along the eastern boundary of "the Gooding land" and to the south of the grade II listed buildings at 'The Cottage' and 'Rose Cottage' (Document 24). To the east of this farm group the site slopes upwards towards a brow in the B3217 and the rear gardens of a small row of houses that define the south eastern limit of the settlement.
8. To the south of Little Bickington Farm the land rises towards Quarries Road, which in part defines the southern boundary of the site. The village sports ground, which includes a pavilion, lies on the southern side of this road. The south western part of the application site, comprising a roughly triangular shaped field lying between Quarries Road and Quarry Road to the north west, has recently been planted as community woodland. The grade II listed building known as 'Homewell' (Document 24) lies to the north of this woodland and is immediately adjacent to part of the western boundary of the site.
9. Beyond the northern boundary of the site are fields/paddocks and the rear gardens of those houses that define the built-up limits of the southern edge of the village. This part of the settlement, including the buildings at Little Bickington Farm and "the Gooding Land", lies within the High Bickington Conservation Area (Document 24).
10. The Conservation Area contains a mixture of buildings, uses and spaces, including St. Mary's Church, the primary school, Post Office, two public houses and many dwellings. It is characterised by numerous interconnecting lanes and streets that form a generally tight-knit pattern of development centred upon the historic core of the village. The area includes many buildings of architectural and historic interest (Document 19 p.10).
11. The application site and the surrounding open countryside to the south, east and west form part of the High Culm Measures Ridges Landscape Area (Document 19 p.10 and Document 7). This landscape is characterised, amongst other things, by undulating topography,

prominent villages, scattered farmsteads, broad ridges of exposed high ground, pastoral farmland and poorly drained soils. The landscape appraisal submitted in support of the application (Document 7) recognises that the predominant views from the site are in an arc from north west to south west with the higher parts of the land occupying skyline positions when viewed from the west.

12. A new development of 51 houses is currently under construction along the northern edge of the village (“Fountain Fields”). The village of Atherington lies approximately 2 km further to the north. The settlement of Umberleigh is approximately 3.5 km to the north east and the Sub Regional Centre of Barnstaple is about 12.5 km to the north.

Planning Policy

13. The development plan includes Regional Planning Guidance for the South West (RPG10) (Document 17 (19)), the Devon Structure Plan 2001 to 2016 (SP) adopted in 2004 (Document 18 (24)) and the Torridge District Local Plan 1997 to 2011 (LP) adopted in 2004 (Document 21).

Regional Planning Guidance for the South West (RPG10)

14. RPG10 provides the Regional Spatial Strategy within which local authority development plans should be prepared. It sets out a broad development strategy for the period to 2016 and beyond. Policy VIS1 expresses a vision for the region. It includes promoting a sustainable pattern of development, minimising the need to develop greenfield sites and recognising the different roles of appropriate development in market towns and key villages, as places where development will be favoured locally.
15. Policy SS2 requires local planning authorities in their development plans to consider the needs of the whole of their area and the best opportunities to promote more sustainable patterns of development. In so doing, account should be taken of strategic guidance that, amongst other things, concentrates most development at Principal Urban Areas and the role of designated towns as local service centres for the wider rural areas of the region and other towns and villages to provide for local needs. Policy SS19 includes a requirement for development outside market towns to be small scale and primarily within or adjacent to existing settlements.
16. Policy EN1 requires local authorities in their plans, policies and proposals, amongst other things, to take measures to protect the character of the countryside, including the minimisation of light pollution. Policy EC2 affords geographical priority to areas of special need, including disadvantage arising from problems of accessibility to jobs, services and affordability of housing in rural areas.
17. Under policy HO3 sufficient affordable housing should be provided to meet community needs. Policy HO4 requires provision to be made for limited additional housing within or adjacent to rural settlements where it would support local services that would become unviable without some modest growth. It also supports local economic development that would help diversify the rural economy and is required to meet the needs of rural communities.

Structure Plan Policies

18. Policy ST1 sets out a sustainable development strategy that includes conserving resources, protecting environmental assets, meeting the needs of the community and developing a sustainable transport system. Policy ST3 seeks to maintain and enhance the self-sufficiency

of communities by providing a balance of housing and employment, the provision of a range of local services and facilities and a mix of compatible uses to reduce the extent of travel. Regard should also be given to the need for community facilities and services, including education and recreation. Under policy ST4 regard must be given to the infrastructure requirements of new development. Policy ST5 sets out a development strategy which includes limiting development in Local Centres to that required to meet local needs and promote rural regeneration, where this can be accommodated without generating unnecessary travel. In the open countryside, development should be strictly controlled. Policy ST16 requires Local Centres to complement the role of Area Centres by acting as a focus for essential facilities within rural communities. Local Plans are required under policy ST18 to ensure adequate provision is made for affordable housing, based on an up to date assessment of need. Under policy ST18a Local Plans should ensure provision for a mix and type of housing that best meets the needs of local communities.

19. Policy CO6 requires the identity, distinctive character and features of existing settlements and rural areas to be conserved and enhanced. Policy TR1 includes a requirement to reduce the need to travel. Under policy TR10 development proposals, amongst other things, should not adversely affect the road network in terms of traffic and road safety.

Local Plan Policies

20. Policy DVT1 identifies High Bickington as a Local Centre within a hierarchy of Strategic Centres. Development is permitted within the village development boundary provided it is of a nature and scale consistent with the function and character of the Centre, has capacity to provide necessary infrastructure and, is in keeping with its rural character. (Paragraph 2.28 provides that the aim of development boundaries is to implement the development strategy.) Under policy DVT2C development in the countryside is limited to specified types of development. Policy DVT3 allows for building conversions in the countryside subject to specified criteria. Policy DVT18 includes the requirements for development to reduce the need to travel and have regard to the impact on highway safety. Policy DVT24 requires new development to have adequate arrangements for sewerage and drainage. Policy ECD3 permits employment development on unallocated sites within Strategic Centres subject to specified criteria.
21. Policy HSC1 includes a requirement for new housing to provide for a mix of dwellings to meet a variety of needs. (Schedule 2 of policy HSC1 includes details of housing sites throughout the settlement hierarchy, including two sites at High Bickington.) Policy HSC2 provides that where need is established affordable housing will be sought as part of schemes for 15 dwellings or on sites of at least 0.5 ha in Local Centres. Policy HSC6 permits the exceptional release of land that is well related to a Local Centre to provide affordable housing to meet local needs where, amongst other things, regulation exists over the occupancy of such housing. Policy HSC14 permits recreational development subject to specified criteria. Policy HSC21 provides strict control over new retail development within the countryside. Under policy HSC22 new community development, including schools, is permitted within or adjoining development boundaries. Policy HSC23 supports community hall development in Local Centres.
22. Policy ENV2 includes a requirement for development to preserve the setting of listed buildings. Policy ENV3 requires development within or affecting the setting of a conservation area to preserve or enhance the character or appearance of such areas. Policy ENV5 includes a requirement for development to conserve or enhance the natural character, natural beauty and amenity of the landscape in accordance with specified priorities. (The

priorities for the High Culm Ridges and Plateau defined in Schedule E are conservation, enhancement and restoration.)

23. The site specific policies for High Bickington (set out in Part Two of the LP) show a site to the north of the village allocated for a mixed use development comprising rural workshops and local needs affordable housing (proposal HIB3). The accompanying Proposals Map identifies another site allocated for residential development within a defined development boundary. Paragraph 8.12 of the LP provides that the development boundary has been drawn tightly around the existing built-up area to protect the surrounding countryside from encroaching development. Allowance is made for infill development within the village to assist in meeting housing needs.

Consultation Draft Regional Spatial Strategy for the South West 2006-2026 (emerging RSS)
(Document 17(20))

24. The emerging RSS seeks to ensure that new development, amongst other things, is focused in rural areas in those communities best able to achieve more balanced links between jobs and housing, whilst preventing general degradation of the rural environment through sporadic development. It also focuses on balancing jobs and houses in rural communities with the need to protect the environment.

Other Plans (not currently forming part of the development plan)

Torridge District Council Development Framework (Document 19 p.27)

25. The Council is currently preparing a Local Development Framework. The Local Development Documents, when adopted, would replace the LP. The Core Strategy for these Documents is being formulated (Document 19 p.27).

High Bickington Parish Plan 2003-2023 (Document 17(2))

26. This Plan was based upon the results of a Parish Appraisal carried out in 2001 and a series of Parish based exhibitions, consultations and public meetings. It was adopted by the Parish Council in 2003 and was endorsed by the District Council in 2003 (Document 19 p.29). The aims of the Parish Plan include enabling a level of housing, educational, social and economic development that is sufficient to secure the provision of affordable housing, build and restore economic prosperity, create and sustain local employment and provide educational and community facilities.
27. The Plan is focused upon the potential disposal and development of part of a County Council owned farm (Little Bickington Farm). It identifies a number of possible developments at Little Bickington Farm. These include a new school and village hall, open market and low cost housing, woodland, playing fields, workshops and craft and retail uses. The longer-term aims of the Plan include redeveloping sites released by the building of the new school and environmental improvements within the conservation area.

Planning History

28. The planning history reveals that various applications for residential development on part of the original application site have been approved and refused (Document 23). These relate to “the Gooding land” and include previous appeals that were dismissed in 1981 (Refs: T/APP/5184/A/80/12514, 12522, 12523, 12525/G6). A separate application for outline planning permission has been made in respect of three dwellings on part of “the Gooding land.” At the time of the Inquiry that application was still awaiting determination.

The Proposals

29. The proposed development would include the provision of 15 affordable dwellings (to be provided for rent and shared ownership by a Registered Social Landlord (RSL)), 17 affordable, local needs homes (provided by the High Bickington Community Parish Trust Limited under Tenancy Plus and Equity Purchase schemes), 4 community self-build units (provided on an Equity Purchase scheme), 16 open market dwellings, employment units (including craft workshops and some retailing), a 120 pupil primary school with community facilities, a community woodland and integrated sports facilities. This would all be served by a new access road onto the B3217 to the south east of the village.
30. The plans submitted as part of the original application (Plan A3) show a section of the hedgerow along the eastern boundary of the site removed and the B3217 re-aligned to provide a traffic island/roundabout serving the development. The illustrative site layout details (also Plan A3) indicate the community woodland in the south western part of the site, new sports facilities located adjacent to Quarries Lane, community and retail uses on the site of the existing farm group, and the new school built to the east of this farm group. Health/recreational facilities are shown to the west of this existing group of buildings with new housing in the centre of the site and on “the Gooding land”.
31. The Planning Support Statement (Document 7) indicates that some of the traditional farm buildings would be re-used and adapted as part of the scheme to provide workshop space and community facilities. The existing modern agricultural buildings would be demolished. The gross density of the proposed housing would be 23 dwellings per hectare (dph) and 30 dph with allowance for site constraints. Access links would be provided through the development and into the village.
32. The revised access arrangements (Plan B2) show the removal of some boundary hedgerow to provide a “speed reducing bend” in the B3217, together with a new junction along this section of the public highway and a new 20 mph “gateway”. The main differences between the amended illustrative layout (included as part of Document 16) and the original layout (Plan A3) is that all of the housing in the revised layout would be located on the eastern part of the site. In addition, the new school is shown to the south west of the existing farm buildings.

Other Agreed Facts and Matters

33. A Statement of Common Ground, agreed by both main parties, has been submitted in support of the application (Document 8). Amongst other things, it confirms the agreement between the main parties in respect of the proposed access arrangements, relevant national and local planning policies and housing need.

The Case for the Applicant - High Bickington Parish Council

The material points were:

Changes to the Plans

34. A small number of residents have maintained their opposition to the proposed development. This has centred on the proposed houses intended for “the Gooding land”. This land could only be developed in agreement with the owners. This may not be deliverable. The application has therefore been amended to exclude this particular piece of land.
35. The revised access arrangements have been agreed with the Highway Authority. The amendments to the illustrative layout plan would allow the new school to be built adjacent

to the playing fields to improve accessibility. It would also enable the new workshops to be relocated to reduce traffic migration through the site.

Background and Other Matters

36. The Parish Council and many residents are surprised and concerned over the decision to call-in the application. The proposals have received widespread local support, unlike an earlier application for 51 dwellings on land to the north of the village that was not called-in. Following approval of the “Fountain Fields” development the District Council entered into a section 106 planning obligation with the developer to transfer the provision of affordable homes and workshops from that site onto the application site.
37. The proposed development is a community-led holistic approach aimed at building a sustainable and economically viable future for the Parish. This balanced mixed-use proposal has been advanced following extensive public consultation and involvement with residents of the Parish that commenced with the setting up of the High Bickington Project 2000. It forms an integral part of the High Bickington Parish Plan, which was funded from the Countryside Agency’s Vital Villages programme. The Plan provides a phased 20 year programme for regenerating and sustaining rural life in the Parish in partnership with the District and County Councils.
38. Torrige is an area that is targeted by DEFRA through its Public Service Agreement. The proposals are a model for rural regeneration and represent the aspirations of the local community. It is an opportunity for £15 million investment to be made in High Bickington that will make a very real difference to the lives of everyone in the village and the surrounding area for generations. Permission should be granted as it is in the public interest of the Parish and Parishioners of High Bickington. It is their plan and solution.
39. In addition to local support and enthusiasm for the scheme Alun Michael MP, the then Rural Affairs Minister, visited High Bickington and made an encouraging statement in support (Document 15 p.24). Others, including the Chairman of the Countryside Agency, and elected representatives of the County and District Councils have also expressed their support for the scheme. Sport England has identified High Bickington as a possible ‘Exemplar Scheme’ for the provision of integrated sport and community facilities.
40. The existing primary school is housed in outdated accommodation with limited facilities. It has the highest maintenance backlog of any Local Education Authority school in Devon County Council ownership. The building of a replacement school is an integral part of the overall development of High Bickington. There would be cost benefits associated with this. The case for a replacement school is compelling.
41. The long-term responsibility for managing the project would be undertaken by High Bickington CPT Ltd, a not-for-profit Community Property Trust, made of up shareholders, the vast majority of whom reside in the Parish. The intention is for the land ownership to be transferred to the Trust. The Trust would then own and manage 21 of the proposed affordable housing units, community buildings, workspace and open spaces. A Joint Venture Agreement would be drawn up involving the Trust, Devon County Council, the applicant, a RSL, the Wessex Reinvestment Trust and a private developer. A Development Appraisal and Financial Plan was produced in 2005 (Document 17(3)) to assess costs, identify and allocate funding, address risks and provide mechanisms for land disposal.
42. The proposed development would link in with messages emanating from the emerging RSS. This stresses the need to make environmental, social and economic changes in an effective and inclusive way to ensure more viable rural communities and secure rural renaissance.

The proposals would also reflect the strategic aims set out in the South West Regional Housing Strategy 2005 – 2016 (Document 17(21)) and the Consultation Draft Regional Economic Strategy for the South West of England 2006-2015 (Document 17(22)).

43. The applicant's approach to community involvement in the scheme reflects the aims and objectives of the Devon Rural Strategy 2003 (Document 18(25)), the County Council's Strategic Plan 2001-2005 (Document 18(26)), the Devon Community Strategy (Document 18(28)), the County Council's Regeneration Role and Action Programme 2004 (Document 18(29)) and the Torridge Community Strategy 2003 (Document 18(30)). Such an approach is consistent with the provisions of Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1), and PPS12 'Local Planning Development Frameworks'.
44. The proposals are designed to give the local community an opportunity to take custodianship of substantial resources and facilities, in perpetuity, for the benefit of current and future residents. If permission is refused it would have a significant adverse effect on the quality of life, life chances and opportunities for local people. It would also result in a disengaged, disillusioned and frustrated community.

Call-In Matters i) and ii) – The Development Plan

45. RPG10 provides a framework within which local policies are determined. It is not intended that all policies should be top-down, at the regional level. The key objectives of RPG10 include developing local solutions and meeting local as well as regional and national needs. Policy VIS1 recognises the different roles of appropriate development in market towns and key villages, as places where development will be favoured locally.
46. Important regional factors include the diverse nature and character of the South West with its differing sub-regional needs, rural areas with few previously-developed sites and the remoteness of the western sub-region. High Bickington lies within an area of special need to which RPG10 policy EC2 applies. It is identified within the development plan as a Local Centre meeting the needs of its local and rural hinterland. Community appraisals undertaken as part of the Parish Plan have established the needs of the community.
47. Paragraph 3.38 of RPG10 recognises that innovative approaches are required in the provision of local housing, employment, leisure, transport and community facilities to help enhance social inclusion whilst reducing the need to travel long distances. RPG10 also suggests that regeneration initiatives should command a wide range of community support and secure improvements through partnership delivery.
48. The proposed development would be proportionate to the needs of the community and would be sited adjacent to an existing settlement that is recognised as a service centre. In 2001 the population of the Parish was 732 (285 households). The proposal, together with the 51 houses being built on the northern edge of the village would increase the population to about 1000 residents. It would secure a more sustainable rural community and accord with the broad strategy of RPG10.
49. The need for affordable housing is given particular prominence within the Structure Plan. High Bickington is a designated Local Centre and policy ST16 is especially relevant. The scale of proposed development is in response to the needs of the community. High Bickington is an appropriate location for meeting these needs. The proposals accord with the development strategy set out in the SP and would meet specific aspirations of the Plan in respect of affordable housing. The development would comprise a strategic fit with present policy and guidance.

50. The Local Plan strategy seeks an environmentally sustainable and integrated pattern of development related to the needs of local residents, the environment, transport and the economy. It aims to foster the development of self-sufficient communities wherever possible. The proposals were developed after the formative period in the preparation of the Plan and after the end of the period for objections. They were unable therefore to inform the preparation of detailed proposals for the LP.
51. The proposed development, based on the express needs of the community, is of a scale and character which supports and enhances the role of High Bickington as a Local Centre. Most of the development relates to the provision of community needs, supported by a modest and proportionate number of open market houses.
52. Elements of the scheme are separately supported by policy statements in the LP. The conversion of the farm buildings would accord with LP policies DVT2C and DVT3. In addition, policy ECD3 allows for employment development. Policy HSC6 also allows for the exceptional release of land that is well related to a Local Centre.
53. The LP restricts development in Local Centres to within the defined development boundaries and in keeping with their rural character. This is less pragmatic than the approach for other rural villages set out in LP policy DVT2. This allows for a needs based approach to rural regeneration and diversification. The proposals would provide many of the facilities and services considered essential to the maintenance of local service provision as part of that policy. The proposal therefore accords with the thrust of policy DVT2.
54. The site specific allocations for High Bickington, set out in the LP, would provide for much needed community facilities. The applicant however has taken the view that community needs would be better served by a comprehensive development for a wider range of facilities on the southern edge of the village. This site is better located in terms of supporting existing services, reusing redundant farm buildings, reinforcing the local distinctiveness of the village and delivering other community facilities and affordable housing than the LP HIB3 site. The development would however necessitate significant investment. The proposals are a practical and effective way of achieving this.

Call-In Matter iii) – Planning Policy Statement 7 (PPS7)

55. ‘Sustainable Communities: Building for the Future’ sets out the Government’s commitment to the concept of sustainable communities. The regional plan ‘Sustainable Communities in the South West’ (2003) recognises that sustainable communities cannot be created from Central Government, but from the engagement, participation and involvement of those at the local level.
56. The proposed development would deliver sustainable rural development in a number of ways. The scheme would be focused on a Local Service Centre, would meet local needs and promote rural regeneration. A range of economic activities would be provided in accordance with the LP employment policies, which themselves comply with PPS7.
57. The financial contributions secured from the “Fountain Fields” development would be used to secure a mix of employment facilities and affordable housing that are required to meet the needs of the local community. It would enable residents to have reasonable access to a range of services and facilities and would assist in supporting the viability of existing facilities/services. The new school and community facilities would replace inadequate buildings. The proposals would be a positive approach to the provision of new and renewed community facilities in a strategic centre in accordance with PPS7.

58. The scale of the proposed housing would reflect local needs assessments and would accord with the role of High Bickington as a Local Centre. The development would also be designed to take account of landscape assessments (Document 7) and village plans (Document 17(2)).

Call-In Matter iv) – Planning Policy Guidance Note 3 (PPG3)

59. In developing the proposals it had been crucial to find a site that would be well located to the village core. Account was taken of the findings of the Parish Appraisal and local knowledge of alternative sites within the LP boundary. This included an assessment of the capacity of possible alternative sites and the likely effects on local traffic flows.
60. Part of the application site (the existing farm group) comprises previously-developed land. The proposal would also be viewed as a natural extension of the built-form of the village. The Master Plan would ensure that the design blends with the existing village and echo distinctive features. The development would accord with the advice in paragraph 56 of PPG3. The average density of development would be 30.5 dwellings per hectare. It would allow for the retention of historic hedgerows, the use of sustainable urban drainage systems and landscape buffer zones. A significantly higher density would be more damaging to the character of the area.
61. The mix of housing has been developed in partnership with the District Council and would reflect the numbers, type and tenure expressed in the Parish Appraisal and local needs surveys. The 16 open market dwellings would be proportionate to the overall provision and is essential enabling development to deliver the wider community benefits of the scheme (Document 17(3)). It would create a balanced community by providing housing opportunities across a range of income levels.
62. The village is served by a twice daily bus service, excluding Sundays, that links the community to Barnstaple and Chulmleigh/Chawleigh to the south. There is also a train station at Umberleigh with services between Barnstaple and Exeter (Document 17(15 p65 & p88)). Additional bus pick up points would be included as part of the development and a financial contribution of £2,500 would be made to the Torridge Community Transport Association to identify ways of improving local transport services (Document 12 Schedule 5). In future a community bus could link the village with the railway station at Umberleigh. Implementation of subsequent phases of the Parish Plan would bring about traffic management measures/car parking within the centre of the village.
63. The Water Company has confirmed that a suitable planning condition/section 106 agreement could form part of an approval to overcome improvements to the sewage treatment works (Document 22). A Sustainable Urban Drainage Systems (SUDS) Feasibility study and layout has also been prepared to secure satisfactory arrangements for the disposal of surface water from the site (Document 16). The North Devon NHS Primary Care Trust has raised no objections and part of the site would be earmarked for a future health centre (Documents 7 and 16 (site layout plan)).

Call-In Matter v) – Circular 6/98

64. Housing supply in the District is not, arguably, meeting household need in both the broader rural area and in terms of tenure/properties currently available. A key feature of Torridge is the extent of the rural area and a concentration of the housing stock (79%) in Bideford/Northam. The amount of housing aimed at the affordable end of the spectrum is very limited and only 55.9% of working, younger households can afford to buy into the broad intermediate housing market (Document 17(8)). In 2004 there were 1,095

households on the District Council's housing register and only 6 RSL completions (Document 17(7)). The scale of the affordable housing crisis is beyond the scope of both private house building and housing associations.

65. The extent of the proposed affordable housing has been informed by housing needs assessments undertaken by the District Council in 1999 and an up to date assessment also commissioned by the District Council. The 2001 High Bickington Community Appraisal, which was delivered to all 295 homes in the parish, showed 32 people indicating a need for alternative accommodation. This revealed a mixture of tenure preferences ranging from family and starter homes to self-build opportunities. A further 35 people claimed they were unable to find suitable accommodation due to high market prices (Document 17(9)). The data from the 1999 survey and 2001 Community Appraisal indicates a need for 21 units of affordable accommodation (Document 7 p.19).
66. Submissions made to the Affordable Rural Housing Commission towards the end of 2005 indicate that about 30 people or families within High Bickington were in need of affordable housing (Document 17(10)). The proposal would meet the recognised needs of the Parish and contribute to the wider needs of the District (Document 7 p.21).
67. New forms of tenure in the form of Equity Purchase and Tenancy Plus have been developed to allow the affordable housing to be preserved for the community through the Community Property Trust (Document 20). The Trust has developed its own local housing policy. The mechanisms to develop, manage and retain affordability have been extremely well thought through with extensive expert help from renowned national academic and legal authorities. The proposal would introduce a new and potentially very significant player into the housing market – the community sector.

Call-In Matter vi) – PPG13

68. Existing public transport is infrequent and timetabling not convenient for journeys to work. The existing community is reliant on the use of cars. PPG13 however recognises that in remote rural areas development should be focused on centres, such as High Bickington, that already provide services as a means of bolstering and enhancing public transport services. The proposals would help to support the quality and quantity of local transport services by encouraging transport operators to increase the level of service currently provided. This mixed use development would reduce the need to travel.
69. The development would also be directly linked to the historic core of the village by a footpath and cycleway, improving accessibility at the local level for walkers and cyclists. The new school would continue to operate a Green Travel Plan, which includes a daily “Virtual Bus” supervised by staff and parents. The community woodland would also include nature trails, pathways and bridleways.

Call-In Matter vii) – Consistency with RPG10, PPG3, PPS7 and PPG13

70. The scale and location of the proposed development would be consistent with the guidance in RPG10, PPG3, PPS7 and PPG13.

Call-In Matter x) – Other Issues

71. The reserved matters details would ensure that the proposed buildings would be sited and designed to avoid any harmful effect upon the High Bickington Conservation Area. There would be no harm to the setting of any listed buildings/structures.

Material points made by the applicant in response to matters raised by the Inspector

72. The proposed open market housing would be available to people within the locality. It would provide the necessary cross-subsidy to enable the development to proceed. As a consequence, it would fall within the overall remit of RPG10 policy SS2. A narrow approach should not be taken to the consideration of these 16 dwellings. They should be assessed as part of the overall scheme, which is aimed at meeting community needs.
73. Whilst there was no known threat to any existing services the village shop had closed and small schools, such as that at High Bickington, were subject to political decisions about their future. The “Fountain Fields” development would contribute towards the viability of village services/facilities but did not negate the need for the applicant’s proposals. These would further enhance the viability of services. The proposal accorded with RPG10 policy HO4. The emerging RSS was a draft document, the thrust of which was similar to RPG10 in terms of the hierarchy of provision.
74. The site lies outside the settlement and beyond the rural centre. This edge of settlement location should however be treated as forming part of the Local Centre. SP policy CO6 and LP policy DVT2C were also relevant considerations to the application. Strictly speaking the proposal would not accord with LP policy DVT2 but under this policy Local Centres had potentially more restrictions on development than other villages that were lower down the settlement hierarchy.
75. The timing of the LP process had prevented the application from being consistent with the plan-led approach set out in PPS1. The Parish Plan however should be given strong weight and demonstrates that the applicant is ahead of the game regarding community involvement. The District Council was aware of this Plan and considered it an exemplar for other parishes. The development was not intended to protect and enhance the quality and character of the countryside. It would not however cause much harm to the countryside.
76. The “Fountain Fields” development was outside the defined development boundary on land allocated for employment purposes. It would not therefore meet the housing requirements of the development plan. A sequential approach to site selection was not followed in identifying the application site for development. This was not a relevant approach in the context of the proposals and was more suited to complex urban situations. The site could be treated as a rural exception site within the context of PPG3.
77. The proposal could be described as small scale development within the context of the County as a whole. The County Council maintained that the proposal was a departure from the development plan and did not appear to accord with PPG3. It would be in the public interest to uphold the framework for planning decisions provided by the development plan. The proposal would however follow emerging Government policy.
78. The proposed self-build units would comprise affordable housing. Like the other proposed units these would be available under the Equity Purchase scheme. The proposed 36 affordable units would enable local people to obtain houses. Of these, 15 would be operated by a RSL and would be allocated to those in most urgent need throughout the District. The remaining 21 affordable units would be available within a 12.9 km radius of High Bickington. There was no likelihood that they would be unoccupied. The 16 open market dwellings were calculated as the optimum for securing the community elements of the scheme.

79. Public transport operators had not been approached regarding improvements to the frequency of existing bus and train services. Most journeys in the area were already undertaken by car. This situation would be roughly similar for the proposals.
80. The application did not include the conservation works to the village centre set out in the Parish Plan. These would be taken forward at a later stage. If the scheme was refused the County Council would search for another site for a new school in High Bickington, starting with land already owned by the County Council. High Bickington had been identified as a priority locality for a new school. The proposal offered the potential of providing this facility within the next 2-3 years as opposed to a possible ten year period if another site had to be found.
81. The Highway Authority in considering the application would have taken into account the likely traffic implications for the whole of the highway network. This includes a traffic assessment submitted in support of the proposal (Document 7). Recorded road traffic accident data reveal no serious accidents along the B3217 in the vicinity of the application site over the last 2-3 years. A low number of accidents have been recorded along this section of the highway. The Environment Agency would need to be satisfied over the proposed arrangements for surface water drainage.

The Case for Torridge District Council

The material points were:

Background and Other Matters

82. The Council had resolved to grant permission subject to the application being advertised as a departure from the development plan and clarification over a number of matters (Document 19 Appendix 1). The revised access details and illustrative layout plan had also been considered and endorsed by the Council's Plans Committee (Document 19 Appendix 2). There was no highway justification for withholding permission.
83. PPS1 sets out the Government's objectives for sustainable development. It emphasises the need to involve the community in developing a vision for an area and to identify what sort of place communities wanted to live in. PPS12 envisages a more participatory process in the preparation of Local Development Frameworks and PPG17 'Planning for Open Space, Sport and Recreation' supports rural renewal and the promotion of social inclusion and community cohesion.
84. The emerging RSS, which has somewhat limited weight, calls for rural renaissance to focus on productivity in 10 rural priority districts, one of which is Torridge. The South West Regional Housing Strategy 2005-2016 aims to tackle under-provision of housing. The Regional Economic Strategy for the South West of England 2006-2015 identifies flexibility as the key to successful rural communities and the need to promote enterprise and sustainable patterns of development in rural areas.
85. The open market element of the proposed scheme would enable community provision to be made. It would secure the delivery of the Parish Plan. The proposal would provide much needed facilities for the village. The Council had taken a reasonable position in resolving to approve the application.
86. The "Fountain Fields" development for open market housing is outside the parameters of the LP but was not called-in. A section 106 agreement in respect of that development makes provision for £200,000 to assist in the provision of rural workshops at Little

Bickington Farm, £100,000 for a village/community hall, the transfer of the affordable housing interest to the Little Bickington Project and £20,000 towards Barton Fields playing facilities (Document 19 Appendix 4).

Call-In Matters i) and ii) – The Development Plan

87. RPG10 recognises the importance of developing local solutions, meeting local needs and the aspirations of all who live and work in the region. Policy VIS1 promotes sustainable development recognising the different roles of rural settlements, where development will be favoured. Policy SS2 is at the core of the spatial strategy and sets out a hierarchy of centres, recognising that development should take place at local service centres.
88. High Bickington is located within South West Objective 2 Area for European structural funding. It is not an area identified strategically as a location for residential development on a major scale. The village however provides a range of services. It is identified as a Local Centre within the settlement hierarchy where small scale development to meet the needs of the local community is expected and allowed for.
89. The LP requires provision to be made for 7100 dwellings throughout the District over the Plan period. The Plan sets out the land supply position (Document 19 Appendix 5). Since the start of the Plan period there has been some residential development within High Bickington and a further allocated site is now under construction. The timescale for the preparation of the LP precluded the promotion of the development set out in the High Bickington Parish Plan.
90. The LP is relatively recent and generally provides an adequate framework for decision making. Part of the application site comprises a former farm complex, a previously-developed site. LP policy DVT2C – 2(a) allows for the conversion of previously used buildings or redundant agricultural buildings for employment uses. Other elements of the proposal would also fall within the remit of the Plan. Whilst the LP restricts development in Local Centres to within defined development boundaries and in keeping with their rural character, the policy for other villages, DVT2 is a needs based approach to rural regeneration and diversification. The wording of the LP settlement policies are ambiguous and could have been better drafted.
91. The proposal sits outside the development plan. The Parish Plan however has been endorsed by the District Council. Regard must be given to the emerging policy framework in considering this scheme. The proposal, founded on strong community involvement, accords with emerging policies.

Call-In Matter iii) – Planning Policy Statement 7

92. PPS7 encourages policies for the formation of sustainable rural communities and seeks to focus development in or near to local service centres. In terms of economic development it also supports enabling policies that support expanding businesses and facilitate economic diversification. Planning authorities are also required to facilitate and plan for new accessible services and facilities, both through the development plan, and more pragmatically, through provision as part of relevant planning permissions based on the needs of communities. Authorities are encouraged to adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities.
93. A landscape assessment was undertaken as part of the application. It resulted in the development proposals for Little Bickington Farm and had directly informed the design

aspects of the development. The site is very closely associated with existing development in the village.

Call-In Matter iv) – Planning Policy Guidance Note 3

94. PPG3 includes a requirement to provide housing to meet the needs of the whole community, including those in need of affordable housing, and the creation of mixed communities. Housing should be concentrated on identified service centres based on an up to date assessment of local need. The revised paragraph 18 to PPG3 indicates the importance of adequate housing provision in rural areas to meet the needs of local people and to contribute to the delivery of sustainable communities.
95. A draft Housing Capacity study has identified a problem in respect of housing supply in the District. Allowing for the supply of housing consents from windfall sites, there does not appear to be a need to release any further LP land allocations for the period to 2011 – to do so would result in over provision when assessed against strategic guidance. Amendment to the LP phasing provisions is necessary to address this issue.
96. The housing elements of the proposed development would have an average density of 22 dwellings per hectare.

Call-In Matter v) – Circular 6/98

97. The latest Housing Needs Survey prepared for the Council in 2004 was not as extensive as an earlier study and adopted a more district wide approach (Document 19 Appendices 6 and 7). 95% of new emerging households (concealed households) in Torrridge are unable to afford to buy in the open market and 75% are unable to afford open market rents. This survey reveals 6 households in High Bickington intending to move within the Parish in the next three years and in need of affordable shared ownership housing. This does not represent the full figure but an indication of demand for “intermediate” tenure types. Consideration should also be given to demand in the hinterland of Torrington. Many of these smaller parishes have needs that could be more appropriately met in more sustainable communities like High Bickington. The proximity to Atherington, which lies outside Torrridge, should also be considered.
98. The Council’s housing figures indicate that there are currently 24 applicants on the Torrridge Common Housing Register asking for High Bickington. These may be in addition to those identified in the 2004 survey.

Call-In Matter vi) – PPG13

99. PPG13 aims to focus development in remote rural areas on centres that already provide services. High Bickington is such a centre and has been identified as a preferred location for development. The proposal was a balanced approach with a potential to reduce dependency on car use, with access to a new school and employment services. It could also improve the level of public transport services.

Call-In Matter vii) – Consistency with RPG10, PPG3, PPS7 and PPG13

100. The proposal is consistent with RPG10, PPG3, PPS7 and PPG13.

Material Points made by Torridge District Council in response to matters raised by the Inspector

101. The High Bickington Parish Plan had not been adopted by the District Council as supplementary planning guidance. It may however in future form part of the Council's Local Development Framework, which was at an early stage of preparation.
102. The proposal was not in accordance with LP policy HSC6. The Council was not aware of any physical constraints regarding the development of the 0.7 ha allocated housing site within the High Bickington development boundary (Document 24 Part 2 p.52). If that site came forward the size and predicted housing yield would result in a requirement for 35% of the new dwellings to be made affordable. That site was within the centre of the village and would be eminently suitable for affordable housing. It would meet some of the identified housing needs for the village.
103. The section 106 agreement for "Fountain Fields" did not limit the £200,000 contribution towards rural workshops but instead was a contribution towards the Little Bickington Project. That money could be used to provide affordable housing although there was no specific reference to the transfer of affordable housing to the application site.
104. It was likely that a five year supply of developable land existed within the District. There were concerns that a surplus of land available for housing would exist over the LP period. No urban capacity study had been undertaken for High Bickington.
105. There was no affordable housing in High Bickington at the present time but there were some small sized dwellings within the Parish. The availability of affordable housing within the adjoining parishes of Atherington and Umberleigh had not been investigated when the application was considered. These areas formed part of North Devon District Council's administrative area. There was a need for 24 affordable housing units in High Bickington. It could be concluded from the 2004 Housing Needs Survey that there was a need for 6 units although this did not reveal the full figure. The Draft PPS3 recognised a requirement to include intermediate housing needs as part of an assessment. The County Council's officers had drawn attention to another local housing scheme elsewhere in the District where a lack of need had resulted in an application to change the permission to open market housing. (Document 17(23 p.5)) The proposed use of legal agreements as part of the development would prevent this from arising at High Bickington.
106. It would be hard to say that the village of High Bickington was in decline. Since the publication of the LP the level of services available within High Bickington had not altered from that described in the site specific section of the LP (Document 21 p.53 para. 9.6).
107. There were limited views of the application site, which could not be seen on the southern or eastern approaches to the village. The existing appearance of the site was what you would expect to see in this location. The site forms part of the foreground to the village with the mass of buildings behind. The proposal sets out a suitable design approach and would result in the village being seen in a similar context to its current appearance. If the scheme were permitted applications for development on adjoining land may be forthcoming. This could result in some pressure for further development although there may be access difficulties. A re-adjustment of the development boundary would be likely as part of the emerging Local Development Framework.
108. Peripheral landscape planting proposed as part of the scheme would break up the impact of the proposed development and safeguard the setting of the listed buildings. The re-use of

existing buildings within the conservation area would benefit the character and appearance of the area.

The Case for Atherington Parish Council

The material points were:

109. Atherington is on a crossroads for traffic travelling between South Molton and Torrington, and High Bickington and Barnstaple. Despite partial de-classification of one of the roads into the village large volumes of traffic continue to flow through Atherington. This includes lorries making their way to and from a feed mill situated between Atherington and High Bickington.
110. The volume of traffic is a concern to the Parish Council. The lack of pavements raises safety issues, particularly for those residents with young children. Recent developments in Dalton and Winkleigh have added to the traffic flows. Barnstaple was a focal point for a range of services including employment and leisure. High Bickington is part of Barnstaple's hinterland and does not have the necessary infrastructure to be regarded as a centre by itself.
111. The proposed new school was supported but there are concerns over the increase in traffic that would pass through the village. The proposal along with new housing already permitted in High Bickington would considerably increase the amount of traffic through Atherington. Additional buses through the village could add to the highway problems.

The Cases for Interested Persons

The cases for interested persons supporting the applicant

The Case for Cllr Rawlinson

112. The County Council's Executive fully supported the proposal. It met all the objectives for regeneration and provided a range of affordable homes. The development would enable young people to remain as part of the village community and reduce the number of car journeys. The existing school was the most expensive one in Devon to maintain and it needed to be re-housed. Current conditions meant that the full curriculum could not be developed. The new school would be combined with other community uses to allow it to be utilised throughout the day.
113. The proposals would ensure the viability of the village. Black Torrington was a similar sized village but the school only had 15 pupils. New housing that had been permitted in that village was expensive and had attracted older people and those without children. As a consequence the school had gone into decline. The same should not be allowed to happen in High Bickington.

The Case for Mr Tucker (Document 26)

114. The school had recently received a glowing OfSTED report but constant repairs were needed to the fabric of the building. Development permitted elsewhere in the village meant that the school was now close to its capacity of 70 pupils. Children were now being referred to the Education Authority. Upon completion of the "Fountain Fields" development the additional children looking to attend the school would be in excess of 70. Facilities for pupils and staff in the school were cramped and unacceptable. The site was inadequate.

115. The school was on a list of thirteen schools in the county for replacement. The proposal was a good opportunity to achieve this. The community had been involved in developing the plans and savings were likely for the school. A travel plan that included a “walking bus” was already in operation and had reduced the number of car journeys. The proposals would avoid lengthy and hazardous trips for the school children in future.

The Case for Mrs Rudman (Document 27)

116. The school is struggling to deliver the full National Curriculum due to the age of the building and the limited facilities that it provides. At present children have to walk almost 1.2 km along narrow country lanes to use the village playing field for games. This is a real challenge for some of the younger pupils. Toilet facilities within the school are inadequate and there is no disabled access. The site is land-locked and the many issues affecting the school cannot be addressed on the present site. The OfSTED report of November 2005 judged the school to be a good one with some outstanding features. It recognised however that the school could not improve because of the archaic and cramped conditions of the building. The proposals would make a significant contribution to improving the education on offer to the community.

The Case for Mr P May

117. The proposal would allow for the part exchange of the existing playing fields. It would result in better sports facilities for the community and overcome the present difficulties of the cricket square having to be used as part of the football pitch. The existing pavilion was outdated and needed large amounts of money to bring it up to standard. It was also in a secluded location and susceptible to vandalism. High standards were now expected by those engaged in sporting activities. Current facilities/arrangements had deterred some people from participating in village sports.

118. The proposals would allow for better standards of sporting facilities. A flat football pitch would be provided and a separate cricket square. Sport was an important part of village life and kept children out of trouble.

The Case for Mr M Leatham (Document 28)

119. The proposals had been advanced following considerable input from the local community. The 15 units of affordable housing and workshops originally intended as part of the “Fountain Fields” development would not in reality have met community needs. These dwellings would have been made available to those residents living in Torridge District in the greatest need/urgency of housing. People living in Bideford for example could have been allocated the dwellings. As a consequence, there would have been no reasonable prospect of the houses assisting with resolving the housing needs of High Bickington.

Mr G Koffman

120. General support for the scheme. PPS7 sought to encourage more sustainable patterns of development and the proposals should incorporate sustainable, low energy materials such as timber and agricultural fibres. Locally grown timber, straw and hemp should be used to secure a green development and promote local employment. Such materials would also enhance the setting of listed buildings and the conservation area. Regional Forestry Frameworks recognised the community benefits of woodland. The future of the existing farmhouse was unclear and some of the new dwellings should be made available to farm workers and woodland managers.

The Case for Mr Burford

121. The scheme was a holistic approach to addressing the needs of the local community and arose from the foresight of the County Council to offer the site for development. A democratic approach had been undertaken to formulating the proposals and the village response was impressive. The development would provide opportunities for a wide range of residents. The community facilities, including the school, would be a considerable improvement upon those currently available within the village.

The cases for interested persons expressing concerns in respect of the application

The case for Mr Gooding (Owner of part of the application site as originally applied for) (Document 29)

122. The replacement school was supported. This would benefit the village. Consideration however needs to be given to how the old and new school would be linked and the future of the existing school site. The status of the land between the edge of the application site and the defined village boundary would be uncertain. If the scheme was approved it could result in this land being developed. The effect of the proposal could result in the outward movement of the centre of the village.

The Case for Mr B Baker (Photos 2-5)

123. Not necessarily opposed to the scheme and certainly not opposed to the school. The proposal however had grown out of all scale. The siting of the new school would effectively be in the backyard of "Homewell" and would devalue the property. The development would be only 2.4 m (8 ft) from the boundary. A lot of money had been invested in the house since it was purchased and a previous attempt to purchase part of the application site from the County Council had been unsuccessful.

124. The proposals would result in a loss of view and would exacerbate problems with surface water drainage from the site. It would result in an increased risk of flooding. The intended drainage plans appeared to show water draining uphill. There was not the necessary infrastructure in the village to support the development. The village roads were inadequate and unless the train service was improved any increase in bus services to and from the train station would be ineffective.

The Case for Mr and Mrs Poore

125. There was a poor safety record for traffic using this section of the B3217 and a bad accident had occurred near to the suggested entrance. Accidents had mainly been caused as a result of the narrowness of the road, the proximity to the brow of the hill and the increasing volume of traffic now using this highway. The proposed plans were unsuitable to serve as a means of access to a new school.

The Case for Mr Stevens

126. There was no objection to the school but concern was raised over the proposed housing. The "Fountain Fields" development had been permitted with an element of affordable housing already and some live/work units. The developer had transferred £200,000 from that development to the proposals at Little Bickington Farm. This payment was contrary to moral principles.

127. A sewer main runs through the application site with an interceptor in the garden of "The Meadow". The consultation response from South West Water indicates that there is

insufficient capacity to accommodate the flows from the proposed development. If this is not addressed it would flood the garden of “The Meadow”. It was wrong that the occupiers of the proposed affordable dwellings would never be able to purchase all of the house. The former shop in the village was not viable and closed with a sizeable financial loss. It would remain an unviable outlet even if the proposals were permitted.

The Case for Mr Brinicombe (Document 30)

128. The proposal would increase traffic through the village. Development elsewhere at Winkleigh would further increase traffic flows, including heavy lorries. This should be considered when assessing the proposals. The school element of the scheme was supported but there were doubts over the viability of the proposed retail elements and workshop units. Although this was a groundbreaking scheme the commercial aspects needed closer examination. There was also a need for youth facilities in the village.

The Case for Mrs Worrall

129. Clarification was needed over the effect on infrastructure within the village including sewage facilities, water and electricity supplies. Public transport was inadequate and existing roads would be unable to accommodate the additional traffic that would be generated. Travel to Umberleigh train station is by car. There was uncertainty as to what would happen to the existing school site and a perceived threat that if the scheme was not supported large scale housing would be allowed instead. The alternatives were unclear.

The Case for Mr Parker

130. A new school was badly needed but the site was not the only location where it could be built. There was concern over what would happen in future to the adjoining County Council owned farm when the tenancy was given up. The County Council could have a free-hand to build more dwellings on the surrounding land. Surface water from the site drains onto the road at present and excess surface water discharge from the site could result in flooding. Flooding had occurred in the past. Sewage facilities may also be inadequate to accommodate the additional flows from the development and this could result in additional expense being incurred by existing residents.

The Case for Sir John Mayhew-Sanders

131. Overall the scheme was supported, especially the affordable housing and new school. Concerns existed however over the proposed floodlighting to the play areas and sports facilities. This could detract from the unpolluted night sky, which gives many people, including children, great pleasure. Intensive light forms could be harmful and destroy the environment for miles around. Careful consideration should be given to the use of appropriate lighting as part of the development.

The Case for Mr Ridd (Document 31)

132. There was concern over the adequacy of the road network and the cost of paying for improvements to the existing infrastructure. It was unclear where the money had gone for the provision of a new village hall and affordable housing. A new village hall was needed rather than a community hall. The occupiers of the affordable dwellings would also never be able to buy their houses. The proposal would be disastrous and would make the village into a town. It was a waste of money and there were other matters that needed addressing such as parking in the village and tidying up buildings. It was unclear what was wrong with the existing school. The village should be kept like it was years ago.

Written Representations

133. Numerous letters both supporting the application and raising concerns in respect of various aspects of the proposals were made before and during the Inquiry (Document 4). These repeat many of the arguments made above, including support for the proposed school and concerns in respect of the adequacy of existing village infrastructure and the traffic implications for Atherington. They include the written observations of **Mr and Mrs Poore**, **Mr Stevens** and **Mr Baker**, all of whom appeared at the Inquiry.
134. Document 5 contains the observations (support) of **John Burnett MP**, the serving Member of Parliament at the time the application was submitted and during the period of consideration by the Government Office for the South West. It refers to the community involvement in the scheme and the support from the Parish, District and County Council.

Call-In Matter viii) – Section 106 Planning Obligations

135. Both main parties agreed that a completed section 106 agreement would be necessary to enable the development to proceed. The agreement presented at the Inquiry (Document 10) included the phasing of the development (Schedule One), provision for affordable/social housing (Schedules Two and Three), community/workshop/retail facilities (Schedule Four), public transport (Schedule 5), a scheme for habitat and wildlife protection (Schedule Six), open space and cricket pitch (Schedule Seven), provision and maintenance of a community woodland (Schedule Eight), reservation of an area for future healthcare facilities (Schedule Nine) and a financial contribution towards the arts (Schedule Ten).
136. There was agreement between the parties that such an obligation, when completed, would accord with the advice in Circular 05/2000 'Planning Obligations'.

Call-In Matter ix) – Planning Conditions

137. The District Council has suggested 45 planning conditions (Document 32 - incorrectly numbered to 46). These conditions were discussed at the Inquiry and include matters relating to sustainable urban drainage systems (condition No. 3). There was agreement between the main parties that subject to amendments to some of these, including the re-wording of suggested condition No. 17 (foul drainage) in the negative form, they should all form a necessary part of a planning permission (Document 33).

Inspector's Conclusions

138. The main considerations are those identified in the call-in letter as the matters on which the Secretary of State wished to be informed. In addition, as part of the site falls within a conservation area and would affect the settings of listed buildings, this gives rise to a further main consideration. In summary these considerations are:

- a) whether the proposal accords with the development plan (Call-In Matters i) and ii));
- b) whether the proposal would accord with the Government's objectives for sustainable rural development as set out in PPS7 (Call-In Matter iii));
- c) whether the proposal would accord with the Government's housing policies as set out in PPG3 and the advice in Circular 6/98 concerning the provision of affordable housing (Call-In Matters iv) and v));
- d) whether the proposal would accord with the Government's transport objectives as set out in PPG13 (Call-In Matter vi));
- e) whether in the light of the conclusions reached in respect of a) – d) above, the scale and location of the proposal would be consistent with RPG10, PPG3, PPS7 and PPG13 (Call-In Matter vii));
- f) whether the proposals would preserve or enhance the character or appearance of the High Bickington Conservation Area and preserve the setting of the grade II listed buildings known as 'Homewell' and 'Rose Cottage', 'The Cottage' and the listed front garden wall adjoining 'Rose Cottage' and 'The Cottage';
- g) other matters (Call-In Matter x);
- h) whether any planning permission should be accompanied by any planning obligations or subject to any planning conditions (Call-In Matters viii) and ix));

139. It is necessary however as a preliminary matter to consider whether the proposed development should be considered on the basis of the revised plans.

140. The numbers in the square brackets [] in the remainder of this section denote the paragraphs above on which my conclusions are based.

Preliminary Matter

141. The main parties and others agree that no one would be prejudiced if the application were determined on the basis of the revised plans. Whilst the District Council did not undertake any formal consultation in respect of these plans the amended access arrangements were made publicly available within High Bickington prior to the Inquiry opening. [2, 3]

142. The Highway Authority and the District Council have commented upon these amended plans and the owner of "the Gooding land" has raised no objection to them. The site layout/Master Plan is illustrative only and if permission were granted subsequent approval would be required, amongst other things, for the siting of the new buildings. No party would be prejudiced if these revised plans were to be considered. I conclude on this preliminary matter that the Secretary of State should therefore consider the application on the basis of these revised plans i.e., B1 and B2 listed below. [2, 3, 33, 82]

a) The Development Plan

143. The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 includes RPG10, the SP and LP. It does not include the High Bickington Parish Plan, which has been produced following considerable public participation and consultation, or the Council's emerging Local Development Framework which is at a very early stage. The Parish Plan should be given much weight in considering the proposed development but the Council's emerging Local Development Framework is not determinative to the application. I shall return to the issue of the Parish Plan later on in my conclusions. [13, 25, 26, 37, 91, 101]
144. The SP and LP have both been prepared within the framework and broad development strategy provided by RPG10. Policies VIS1 and SS2 of RPG10 recognise the differing roles of settlements and the need for strategic policies to guide an appropriate level of development in identified towns and villages according to their function. High Bickington's designation as a Local Centre, within a hierarchy of settlements provided for within the SP and LP, defines its role and parameters for new development. [14, 15, 18, 20, 45, 88]
145. The application site lies outside the defined development boundary for High Bickington. It forms part of the countryside that surrounds the village. Within such locations development is strictly controlled and limited to specified categories in order to protect the character of the countryside and to ensure the implementation of the adopted development strategy. [16, 18, 20, 23, 74]
146. The proposed conversion of the existing agricultural buildings to workshops would fall within the remit of LP policy DVT2C. The principle of new employment premises and affordable housing to meet local needs would be supported by RPG10 policies EC2 and HO3, and LP policy HSC6. In addition, policy support for the proposed recreational development and community services (including schools) is provided by LP policies HSC14 and HSC22. Many of the different elements of the proposal would, by themselves, therefore accord with some aspects of the development plan. [16, 17, 21, 52, 90]
147. The proposed development is however the sum of the constituent parts. It would entail the comprehensive development of over 8.25 ha of countryside for a mixed-use scheme that includes over fifty houses. 16 of these houses would be provided for sale on the open market. These dwellings and the affordable units would be available to those living within the hinterland of High Bickington and much larger strategic centres. The scale of proposed housing development alone would be similar to the LP housing allocations for the higher order centres/towns identified in the LP. The proposal could not reasonably be described as limited or small scale within the context of the development plan. [15, 17, 21, 78, 97]
148. Some additional land for housing within High Bickington has already been allocated through the LP process. A sizeable scheme of residential development is also taking place on the northern edge of the village. The former is expected to provide some affordable housing and the latter (originally intended to include affordable housing and workshops) would assist in supporting local services. The proposed development on an unallocated and largely greenfield site beyond the built up limits of the village, would considerably increase the size of the settlement and the population of the Parish. The scale and location of the development would be a significant departure from the growth envisaged for this Local Centre within the LP. It would conflict with the adopted settlement strategy and would add to the expected over supply of land available for housing within the District. The proposal

would undermine the general provisions and effectiveness of the development plan. [12, 17, 21, 23, 48, 73, 77, 88, 95, 102, 104]

149. The development, if permitted, would also be likely to result in pressure for additional development on land between the defined settlement boundary and the northern limits of the application site. Whilst there could be access constraints on developing some of that land the Council may find it difficult to resist subsequent applications from those arguing that the limits of the village had now moved much further to the south. This would further erode the provisions of the development plan. [41, 49, 107]

150. I conclude on the first main consideration that the proposal would conflict with the provisions of RPG10 policies VIS1, SS2, SS19, EN1, HO4, SP policies ST1, ST5, ST16 and LP policies DVT1 and DVT2C. It would not accord with the overall thrust of the development plan.

b) PPS7

151. This proposed mixed-use development would include some services and facilities, such as affordable housing and workshops that are currently absent or in short supply within the Parish. The replacement school (which in itself has almost unanimous support) would overcome identified deficiencies to existing primary education in the village arising from the constraints of the existing site. It would create an opportunity to expand the high quality education provided within High Bickington. In addition, the proposed playing fields would offer enhanced leisure facilities for existing and incoming residents. The proposal creates the potential to raise the quality of life for many residents of the Parish in accordance with the aims and objectives of the Parish Plan. It would contribute towards Government objectives for creating thriving, inclusive and sustainable rural communities. [40, 105, 114-116]

152. There is however no cogent evidence to demonstrate that existing services within High Bickington would be unviable if the development were not permitted. Furthermore, it is not evident that when completed the “Fountain Fields” development and the LP housing allocation for the village would provide inadequate support to maintain existing local services. There is also a strong commitment to provide a replacement school in the Parish. [73, 80, 106]

153. PPS7 also requires the countryside to be protected for the benefit of all and promotes more sustainable patterns by focusing development on identified centres. The application site forms part of the countryside and is outside any area allocated for development in the development plan. The proposal would result in a sizeable expansion of the existing village into the countryside that surrounds this Local Centre. The new buildings, particularly those on the eastern part of the site, however well designed and carefully sited, are likely to be prominent within the landscape, especially in views of the site from the west. From the surrounding countryside some of the new buildings would create a sprawling edge to the settlement and erode the attractive rural setting of the village. Whilst the new community woodland would add to the pleasing qualities of the landscape it would not offset the harmful effect caused by the very many new buildings and roads encroaching upon this unspoilt rural landscape. The proposals would not conserve, enhance or restore the character, appearance or integrity of the landscape. My conclusions on the efficiency in use of this mainly greenfield site and the implications for transport/travel are set out below. [11, 19, 22, 75]

154.I conclude on the second main consideration that whilst the proposal reflects aspects of PPS7 its location outside the defined development boundary for the Local Centre of High Bickington is inconsistent with established settlement policies and the need to protect the countryside. It would not accord with the Government's objectives for sustainable rural development.

c) PPG3 and Circular 6/98

155.I have already noted above that the expectations are that there will be over supply in the amount of land available for housing within the District over the LP period. The District Council also considers it likely that a five year supply of developable land exists. The greater weight of evidence points to the housing requirements of the SP and LP being met in due course. The "Fountain Fields" development and the LP housing land allocation for High Bickington also strongly indicate that there is no shortage of general market housing within the Parish. Windfall sites are also coming forward for development within the village. [28, 95, 104]

156.The application was essentially submitted to realise the aims and objectives of the Parish Plan. The focus for this Plan is the County Council owned farm. Local knowledge as to the availability of alternative sites has been explored but a sequential approach to site selection was not adopted. It would appear that there is no urban capacity study for the village although the LP identifies two housing sites/yields within High Bickington. The LP also makes some allowance for windfall sites in the village. Scope already exists for the provision of a mix of general market and affordable housing on a suitable site within the village. That site is very much smaller than the application site. [21, 23, 59, 76, 102, 121]

157.The replacement school would form an integral part of the scheme. It would be much larger and have an increased pupil place capacity. This would enable it to accommodate the additional children expected from the proposed housing and the "Fountain Fields" development. The Highway Authority has confirmed the general acceptability of the proposals and the Water Company has advised that inadequacies of the existing sewage treatment works could be resolved as part of the development. Surface water drainage could also be dealt with by means of a condition. In addition, there are no objections from those responsible for healthcare provision. [29, 35, 40, 63, 114]

158.It is the applicant's intention to provide a mix and a range of house types and tenures as part of the proposed development. Many of these matters, including design and layout could be appropriately addressed at the reserved matters stage. 21 of the proposed affordable houses would be provided and managed by the Community Parish Trust Limited under new forms of tenure with the remaining 15 affordable units provided by an RSL. [29, 41, 44, 67, 135]

159.Both main parties agree the extent of current housing needs for the Parish. The applicant, drawing on a 2001 Community Appraisal, and housing needs surveys undertaken by the District Council, has calculated that there are about 30 people or families in the Parish in need of affordable housing. The District Council has also arrived at a figure of 30 when combining the details of the latest housing needs survey (6) with those on the Housing Register (24). This could however entail some double counting. Even if a figure of 30 is an accurate reflection of local housing needs the proposed 36 affordable dwellings would be in excess of the figure agreed by the main parties. It would also exceed the figures identified in the most recent survey of housing needs for High Bickington and the 21 units referred to in the Planning Support Statement. [33, 65, 66, 97, 98]

160. The applicant and others have in effect argued that the letting policy of the District Council/RSLs would mean that not all of the proposed affordable units would necessarily be made available to those in need of housing in High Bickington. Be that as it may, that is the basis upon which the District Council operates its housing nominations policy. Furthermore, additional affordable housing provision is expected to come forward as part of the development of land already allocated for housing within the defined settlement boundary. There is a risk therefore that the proposal could result in a supply of affordable housing that exceeds the level of identified local need. Evidence from elsewhere within the District indicates that where this has occurred there has been subsequent pressure to release such housing onto the open market. There is no certainty that the new tenure types would be any less susceptible to such pressures. In addition, if the proposal were permitted there may no longer be any necessity for the inclusion of some local needs housing on the allocated site within the existing village core. This could effectively result in some affordable housing being unnecessarily built within the surrounding countryside. [78, 102, 105, 119]
161. PPG3 also seeks the more efficient use of land, avoiding developments of less than 30 dwellings per ha (dph). The applicant's figures (with allowance for site constraints) indicate that the density would be about 30 dph. The District Council's calculation however is only 22 dph. Siting and landscaping form part of the reserved matters and the submitted plans are only illustrative. Calculations of the net site density must therefore be viewed with some caution at this stage. It appears to me however that even taking into account the deletion of "the Gooding land" and with allowance made for such matters as significant landscape buffer strips and the retention of historic hedgerows, the net site density is likely to be somewhere between 22-30 dph. A development within this range would not entail the efficient use of greenfield land and would suggest a more spacious layout, in contrast to the generally tight-knit character of the existing settlement. [10, 31, 60, 96]
162. Given the above, the proposed development would neither be small nor solely for affordable housing. The numbers of proposed affordable units would be in excess of the figures revealed in the most recent housing needs survey. The proposal would also fail to make the best use of land. I therefore conclude on the third main consideration that the proposal would conflict with the Government's housing policies as set out in PPG3 and Circular 06/98.
163. My consideration on matters of accessibility to services and facilities, including public transport, is dealt with under d) below.
- d) PPG13
164. There are limited employment opportunities and other services/facilities available within the village, including public transport. The existing community is reliant on the use of cars as a mode of transport and Barnstaple acts as a focal point for a range of services. [10, 62, 68, 79, 102, 110]
165. The proposal would provide access links into the village and the surrounding countryside. The Green Travel Plan and "walking bus" would continue from the new school. The development would provide residents, including school children, with more convenient and potentially safer access to sports facilities. [31, 35, 69, 115]
166. This mixed use development would provide some employment opportunities to those already living within the Parish. It could encourage existing Parish-based businesses to expand and could reduce the need to travel by some of those currently commuting from the

village to Barnstaple and other larger towns/centres. Some existing residents and occupiers of the proposed housing and the “Fountain Fields” development could also find local employment within the proposed workshops/community facilities. The financial contribution towards investigating improvements to public transport would not by itself increase the frequency of services or enhance links to the nearest train station. Transport operators have also not been approached. For a development of the type and size proposed it is perhaps somewhat surprising that these matters have not already been explored and a scheme/mechanism for delivering improvements to public transport advanced as part of the application. As a consequence, residents would be remote from the main areas of employment, shopping and secondary schools without any meaningful choice of accessing these services other than by car. The proposed housing would result in an increase in the need to travel by car. [43, 48, 68, 79, 135]

167.I conclude on the fourth main consideration that whilst the proposed employment and new community services/facilities, including associated pedestrian/cycle links, could provide limited benefits in reducing the travel needs of some residents, overall the need to travel would increase as a result of the large influx of incoming residents who would be reliant on the use of cars for accessing main and higher order centres. The proposals would conflict with the Government’s transport objectives as set out in PPG13.

e) Consistency with RPG10, PPG3, PPS7, PPG13

168.Given my conclusions above, the scale and location of the proposals would not be consistent with the guidance set out in RPG10, PPG3, PPS7 and PPG13.

f) Conservation Area/Setting of Listed Buildings

169.The absence of any detailed plans as part of the application makes an assessment under the provisions of sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 somewhat difficult.

170.The proposed re-use of the existing buildings at Little Bickington Farm would bring back into economic use a range of traditional rural buildings. This would secure the retention and long-term future of an existing group of buildings that makes a pleasing visual and historic contribution to the conservation area. It could in principle enhance the character and appearance of the High Bickington Conservation Area. [108]

171.The illustrative plan submitted in support of the application (and which deletes “the Gooding land”) does not appear to show any other new development (with the exception of the workshops above) within the conservation area. It is likely however that buildings would be constructed in close proximity to the boundary of the conservation area. This would affect the setting of the conservation area, including views into and out of this area of special architectural and historic interest. The new buildings could however be sited, designed and landscaped to avoid any harmful change to the architectural or historic qualities of the area. [71, 108]

172.The deletion of “the Gooding land” from the application would result in the development being set back some considerable distance from ‘The Cottage’, ‘Rose Cottage’ and the listed front wall adjoining these properties. The location of the new buildings away from these listed structures would not harm the setting of these properties.

173.The illustrative plan shows the proposed new school positioned on higher land to the south of ‘Homewell’. This would appear to be set well back from that listed dwelling with new planting along the boundary. A site for a future health centre is however shown between

the new school and 'Homewell', with a separate car parking area to the south east of this listed building. Due to the difference in levels and the close proximity to 'Homewell' the new health centre and car park would need to be sensitively designed and carefully sited to ensure it preserved the setting of this listed building.

174. I conclude on the sixth main consideration that the proposals would preserve the character and appearance of the High Bickington Conservation Area and, subject to careful consideration over the siting and design of the new health centre and car park, the development would also preserve the setting of the grade II listed buildings known as 'Homewell', 'Rose Cottage', 'The Cottage' and the listed front garden wall adjoining 'Rose Cottage' and 'The Cottage'.

g) Other Matters

175. The proposals are based upon the provisions of the Parish Plan and are aimed at realising the local community's aspirations for the development of Little Bickington Farm. The extent of public involvement and commitment in the formulation and implementation of the Plan is impressive. It is reflected in the level of general support for this major application. PPS1 and PPS12 recognise the value and importance of community involvement in delivering sustainable development and participating in the process of drawing up strategies, policies and being involved in development proposals. [26, 27, 36, 37, 43, 83]

176. The Parish Plan does not however form part of the development plan. 'The Planning System: General Principles' which accompanies PPS1 is clear in setting out that the development plan provides the essential framework for planning decisions. Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The applicant recognises that it is also in the public interest to uphold the framework for planning decisions provided by the development plan. [77, 91]

177. The Parish Plan is a material consideration to be taken into account in determining the application. However, it sits outside the strategic framework for securing an appropriate level of development across the District. That framework has been approved following a process of public consultation that included a public inquiry. Perhaps not unexpectedly, the Parish Plan does not specify such matters as the number or mix of open market/affordable houses to be provided. When these matters are examined, amongst such issues as up to date LP policies, strategic objectives and recent housing needs surveys, the scale of the proposed development is excessive. The provisions of the Parish Plan do not outweigh the development plan. [13, 90]

178. Draft PPS3 and emerging RSS afford some limited measure of support for the proposals. The draft PPS3 however provides that in determining the approach to rural housing, regard should also be given to relevant local housing strategies and the release of small sites as part of a rural exceptions policy. The emerging RSS, whilst at an early stage, also includes a commitment to protecting the rural environment. [24, 84]

179. The proposed development would increase traffic flows along the local highway network. The intended access arrangements (submitted following traffic surveys along this section of the B3217) and the new pedestrian links would however avoid the need for many vehicles to enter the historic core of the village. The proposals would also include realigning a section of the B3217 and introducing 20 mph speed restrictions. Additional traffic would travel through part of the village along the B3217 to and from Atherington to the north. The Highway Authority however has assessed the traffic implications of the proposals

across the local highway network and taken into account road traffic accident records. It has found the proposals acceptable and has not raised an objection on highway grounds. In the absence of any technical evidence to refute these findings substantial weight should be afforded to the applicant's highway arguments. [69, 81, 82, 109-111, 124, 125, 128, 129]

180. It is an established principle that the planning system does not operate to protect an individual's right to a view over neighbouring land or safeguard property values. [123, 124]

181. It is important to avoid light pollution. However, details of the means of external lighting to the sports facilities, roads etc, have not been submitted for consideration at this stage. This could be addressed by means of a planning condition. [16, 131]

h) Planning Obligations/Planning Conditions

182. My conclusions in respect of the planning obligation relate to the amended version that was presented to me at the Inquiry. As that agreement was incomplete when the Inquiry closed it would not be capable of implementation or enforcement in the event of planning permission being granted unless it is completed to the satisfaction of the First Secretary of State.

183. Schedule 1 of the obligation includes provision for phasing of the development to ensure that some of the affordable or social dwellings are provided at the same time as the open market housing. This would be necessary to ensure the delivery of housing to meet local needs.

184. Schedules 2 and 3 of the agreement relate to the proposed affordable or social housing. No other details are supplied, although I understand that it would provide controls over persons qualifying for rent/equity purchase of these units. Such controls would be necessary to ensure that these dwellings addressed identified housing needs and remained available for such purposes.

185. Schedule 4 of the agreement requires the provision of the community facilities as a part of the development. It would be necessary to ensure that these facilities are available for the benefit of incoming and existing residents to High Bickington. The financial contribution towards investigations into public transport services and details of bus pick-up points (Schedule 5) are very unlikely by themselves to reduce the need to travel.

186. Schedules 6 (habitat and wildlife protection), 7 (open space and cricket pitch) and 10 (per cent for art contribution) would all be necessary to enable the development to proceed in accordance with established planning policies. In addition, Schedules 6 and 7 would include provision for necessary maintenance. Whilst Schedules 8 (community woodland) and 9 (reservation for healthcare facilities) would be of public benefit they would not be necessary to enable the development to proceed.

187. The uncompleted agreement as presented to me would not deliver necessary elements of the proposed development and would conflict with the provisions of Circular 05/2000 'Planning Obligations'.

188. If permission were granted it would be necessary to impose planning conditions relating to the commencement of development and the submission of reserved matters. The Council's suggested conditions 2 and 3 (details) goes beyond that specified in Model Condition 3 of Circular 11/95 and would be unnecessary for these purposes.

189. Suggested conditions 3 and 17 relate to drainage. It would be necessary on land drainage grounds to impose a condition requiring the use of sustainable urban drainage systems as part of the development and for these details to be submitted for approval and undertaken as part of the development. Condition 3 would need to be amended to reflect this. In addition, the imposition of a foul drainage condition, worded in a negative form, to ensure adequate capacity would be available at the sewage treatment works to receive the additional foul flows would be necessary to ensure the satisfactory disposal of foul drainage.
190. Suggested conditions 4-10, 12, 13 and 20 all relate to landscaping and trees. Whilst landscaping is a reserved matter the design and implementation stages of the landscape treatment could in this instance be more successfully addressed by separate conditions. These should be worded to reflect the model landscaping conditions in Circular 11/95.
191. Condition 11 relates to screening of the proposed dwellings. This could be controlled at reserved matters stage and is unnecessary. Conditions 14 and 15 (archaeology) whilst based upon the model conditions in Circular 11/95, differ in that condition 15 relates to the whole of the site and would prevent any development from commencing. It does not accord with the advice in paragraph 81 of the Annex to Circular 11/95. A watching brief would however be necessary to record items of interest and finds.
192. Condition 16 requires the provision of a children's play area. This would be required to meet the needs of incoming residents, many of whom could reasonably be expected to have children, and should be amended to reflect Circular 11/95 model condition 24. It should form a necessary part of any permission. Conditions 18 (location of fuel interceptors) and 27 (fuel storage areas) would more appropriately be dealt with at reserved matters stage when siting is a consideration. It would be unnecessary therefore to include it as part of an outline permission.
193. Conditions 19, 21, 22, 24, 25, 34-44 essentially relate to highway considerations, including pedestrian links and car parking/turning facilities. It is necessary to include conditions at this stage controlling some of these matters in order to ensure adequate service/estate roads, car parking, permeability through the site and avoid highway danger. Many of these matters, such as street lighting, verges, service margins etc., are likely however to be dealt with under separate highways legislation. As a consequence, the suggested conditions could be more concise. This would avoid any repetition and allow highway matters to be addressed through an outline permission in a simplified form.
194. Condition 23 (disposal of material) would be necessary to safeguard the character and appearance of the area, and condition 26 (provision for Bats and Barn Owls) would be necessary in the interests of nature conservation. Conditions 28 and 29 (conversion works) would be necessary as details for the adaptation of the existing buildings have not been provided and would be required to safeguard the integrity of the group.
195. Conditions 30-32 control the size/use of the commercial units. They would be necessary to maintain the integrity of the proposed development and to limit the nature and volume of traffic attracted to the site.
196. Condition 33 relates to external illumination. I have already concluded above that this would be an appropriate and necessary way of limiting light pollution. Condition 45 (adherence to approved details) would be unnecessary as the Council would be able to control any breach of conditions.
197. I attach as Annex A a list of those conditions that I recommend in the event of outline planning permission being granted. Many of these have been amended and/or combined to

reflect the advice in Circular 11/95. (Recommended condition 11 is a combination of Circular 11/95 model conditions 31 and 32.) For the avoidance of doubt a condition should also be imposed identifying the relevant plans to which the decision relates.

Overall Conclusions

198. The proposed development would conflict with the provisions of the development plan, PPS7, PPG3, Circular 06/98 and PPG13. It would preserve the character and appearance of the High Bickington Conservation Area and, if the health centre and car park were sensitively sited and designed, the proposal would preserve the setting of those listed buildings in the vicinity of the application site. In addition, highway safety interests would not be compromised. The scheme would accord with the aims and objectives of the High Bickington Parish Plan and is supported by many residents. Whilst I do not set this support or the provisions of the Parish Plan aside lightly, these matters do not overcome or outweigh the conflict with established and important national and local planning policies.

Recommendation

199. I recommend that outline planning permission be refused.



Inspector

APPEARANCES

FOR THE APPLICANT:

Mr D Brown Member of High Bickington Parish Council and Chairman of High Bickington CPT Ltd.

He called

Mr D Brown As above.

Mr D A Pinney BA, MCD, MRTPI Planning Consultant.

Mr R W Head MRICS Managing Director, Head Projects Building Consultants, The Old Rectory, High Bickington, Umberleigh, Devon, EX37 9BB.

Mr W L Holman BSc (Hons) Devon Property, Devon County Council, County Hall, Topsham Road, Exeter, Devon, EX2 4QQ.

FOR THE LOCAL PLANNING AUTHORITY:

Mr M G Roberts BA (Hons), Director of Preliminary Planning Professionals Ltd. MRTPI

FOR ATHERINGTON PARISH COUNCIL:

Mr J Umpleby Clerk to Atherington Parish Council, The Cottage, Atherington, Umberleigh, Devon, EX37 9HY.

INTERESTED PERSONS:

Cllr J Rawlinson Devon County Council Ward Member, Hillside Cottage, Kingscott, Torrington, Devon, EX38 7JW.

Mr P Tucker Chair of Governors High Bickington Church of England Primary School, North Road Farm, High Bickington, Umberleigh, Devon, EX37 9BB.

Mrs J Rudman NPQH Headteacher, High Bickington Church of England Primary School, High Bickington, Umberleigh, Devon, EX37 9AY.

Mr P May Chairman of High Bickington Playing Fields Association, Weirmarsh Farm, High Bickington, Umberleigh, Devon, EX37 9BE.

Mr M Leatham Broomhill, High Bickington, Umberleigh, Devon, EX37 9BL.

Mr B Baker Homewell Cottage, High Bickington, Umberleigh,

Mr and Mrs Poore	Devon, EX37 9AY. Petan, High Bickington, Umberleigh, Devon, EX37 9BB.
Mr G Koffman	Little Bickington Farm, High Bickington, Umberleigh, Devon, EX37 9AY.
Mr G Stevens	The Meadow, High Bickington, Umberleigh, Devon, EX37 9AY.
Mr G Gooding	68 Tor Bryan, Ingatestone, Essex, CM4 9HN.
Mr D Brinicombe	Stowford Down, High Bickington, Umberleigh, Devon.
Mrs S Worrall	Lower Green Cottage, Mill Road, High Bickington, Umberleigh, Devon, EX37 9AY.
Mr S Parker	Lower Farm, High Bickington, Umberleigh, Devon, EX37 9AY.
Mr Burford	1 Highfield Close, High Bickington, Umberleigh, Devon, EX37 9DS.
Sir John Mayhew-Sanders	Great Deptford, High Bickington, Umberleigh, Devon, EX37 9BP.
Mr Ridd	Moorland View, High Bickington, Umberleigh, Devon, EX37 9AY.

DOCUMENTS:

Document 1	List of persons present at the Inquiry (all three days and evening session).
Document 2	The Council's letter of notification and list of persons notified.
Document 3	Copy of notice posted to some households by the applicant in respect of the evening Inquiry session held on 18/1/06.
Document 4	Responses to the Council's letter of notification, including letters received during the course of the Inquiry and various rebuttals made on behalf of the applicant.
Document 5	Correspondence from John Burnett M P.
Document 6	Letter from Devon County Council dated 27/10/05.
Document 7	Planning Support Statement.
Document 8	Statement of Common Ground.
Document 9	Letter dated 19/1/06 and submitted on behalf of the applicant clarifying the revised application site area.
Document 10	Section 106 obligation.
Document 11	Statement of Intent.
Document 12	Initial draft section 106 obligation.
Document 13	Mr Brown's proof of evidence and summary.
Document 14	Mr Pinney's proof of evidence and summary.
Document 15	Mr Holman's proof of evidence and summary.
Document 16	Mr Head's proof of evidence.
Document 17	Core documents Nos. 1-22, submitted on behalf of the applicant.
Document 18	Core documents Nos. 23-36, submitted on behalf of the applicant.
Document 19	Mr Roberts's proof of evidence, summary and appendices.
Document 20	Copies of heads of terms of contract, tenancy agreements, equity mortgage and pre-emption agreements, submitted on behalf of the applicant.
Document 21	Torrige District Local Plan.
Document 22	Letter from South West Water dated 26/10/05.
Document 23	Copies of previous planning decisions in respect of the application site.

Document 24	Plan showing boundary of High Bickington Conservation Area, location and description of listed buildings.
Document 25	Copy of planning permission for 51 dwellings at Fountain Fields, High Bickington (Ref. 1/0893/2003/FUL).
Document 26	Mr Tucker's Statement.
Document 27	Mrs Rudman's Statement, including copy of OfSTED report undertaken on 29/11/05.
Document 28	Mr Leatham's Statement, made in addition to verbal evidence given at the Inquiry.
Document 29	Mr Gooding's Statement.
Document 30	Mr Brinicombe's Statement.
Document 31	Mr Ridd's Statement.
Document 32	List of suggested planning conditions, provided by Mr Roberts.
Document 33	List of revised planning conditions, provided by Mr Roberts.
Document 34	Mr Brown's Closing Statement.
Document 35	Mr Holman's Closing Statement.

DRAWINGS:

Plans A1-A2	Ordnance Survey based plans showing the application site, as originally applied for, edged in red.
Plan A3	Proposed access arrangements, as originally applied for and illustrative site layout.
Plan B1	Ordnance Survey based plan showing revised application site area.
Plan B2	Revised access arrangements (drawing No. 15229/001/002).

PHOTOGRAPHS:

Photo 1	Aerial photograph showing the application site relative to the village and the Fountain Fields development, submitted by the applicant.
Photos 2-5	Surface water drainage in the vicinity of Homewell Cottage, submitted by Mr. Baker.

ANNEX A

Recommended Planning Conditions.

- 1) The development hereby permitted shall relate to the amended plans B1 (Ordnance Survey based plan showing revised application site area) and B2 (revised access arrangements (drawing No 15229/001/002)).
- 2) Approval of the details of the siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development begins.
- 3) Plans and particulars of the reserved matters referred to in condition 2 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted to and approved in writing by the local planning authority and shall be carried out as approved.
- 4) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 5) The development hereby permitted shall begin either before the expiration of five 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 to be approved, whichever is the later.
- 6) Prior to the commencement of development, details of the arrangements for the disposal of surface water from the site, by means of sustainable urban drainage systems, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 7) Prior to the commencement of development, details of improvements to the High Bickington sewage treatment works, necessary to accommodate the foul flows arising from the development, and a timetable for undertaking these improvements, shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until these improvements have been completed.
- 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
- 9) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and a programme of implementation.
- 10) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part

of the development or in accordance with the programme agreed with the local planning authority.

- 11) No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 12) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules (for a minimum period of five years) for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape management plan shall be carried out as approved.
- 13) The plans and particulars submitted in accordance with the condition 8 above shall include:
 - i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
 - iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site];
 - v) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

- 14) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.
- 15) No dwelling shall be occupied until a children’s play area has been provided within the site in accordance with details previously agreed in writing by the local planning authority. The approved play area shall be laid out in accordance with the approved details and that area shall not thereafter be used for any purpose other than as a play area.
- 16) Prior to the commencement of development details of all pedestrian and cycle routes, estate roads (including junction arrangements), parking provision, the means of preventing vehicular access into the site from along the existing driveway to Little

Bickington Farm and a programme for implementing all these matters shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the agreed details

- 17) No other part of the development shall commence until the approved vehicular access from the B3217 has been provided.
- 18) Prior to the commencement of development, details of the proposed method of disposal of all topsoil, subsoil, overburden, rock or waste material arising from the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 19) Prior to the commencement of development, details of the means of providing for any Bats and Barn Owls using the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 20) Prior to the commencement of development, drawings showing the conversion of all those existing buildings which are to be retained shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved drawings.
- 21) The proposed industrial/commercial/retail/craft units shall only be used for purposes falling within Classes A1, B1 and/or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order with or without modification.
- 22) None of the units to which condition 21) above applies shall be greater than 200 sq metres in size. No two units shall be occupied by the same person or company.
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), none of the units to which condition 21) above applies shall be extended without the prior written consent of the local planning authority.
- 24) Prior to the commencement of development, details of all external illumination, including fixtures to buildings, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.