



**Department of the Environ
Department of Transport**

Common Services

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Appeal - P/1988/1470



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Raymond Banks ARIBA
Chartered Architects
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Your reference
RVB/331

Our reference

T/APP/M1140/A/88/107294/P4

Date

11 APR 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS J SPEARS
APPLICATION NO: 88.1470.OA

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Torbay District Council to refuse outline planning permission for 3 detached dwellings, 'Marbrook', Totnes Road, Collaton St Mary, Paignton, Devon. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 14 February 1989.
2. The site has been the subject of a previous proposal for 5 detached dwellings in 1981. This application was refused and dismissed on appeal (ref T/APP/5183/A/81/09161/G4).
3. From my inspection of the site and its surroundings and from the written representations made I consider the main issue in this case is whether the proposed development is acceptable as infilling in the light of national and local policies to protect the character of the countryside. Part of your submission on behalf of your clients is concerned with the question of access and highway safety. The Local Planning Authority's submission points out that this is not a reason for refusal of the development and I am of the opinion that, whilst the development would require a new access and result in increased traffic entering and leaving the site, considerations of highway safety are not the most important issue.
4. The proposal is to build 3 houses on the land attached to "Marbrook"; 2 to the east of the existing house and one to the west. The site is 0.6 ha in extent and has a frontage of almost 100 m to the A385, Totnes Road, a busy traffic route, particularly in the holiday season. The area is on the outskirts of Paignton and a considerable amount of development has taken place along the Totnes Road, particularly on the south side, stretching from Collaton St Mary for some distance to the west of the appeal site. Around the appeal site this development is predominately residential but to the west it includes a number of caravan and camping sites. There are open fields to the north and south of the appeal site. Although the property may have been used in the past for more intensive market gardening, at the time of my visit only the area around the house was gardened. The rest of the site was a field. A particular feature of the site is the roadside bank and hedgerow, with 2 large oak trees half-way along, now the subject of a tree preservation order. The bank and hedgerow are high enough in most parts to screen much of the site from the road.

5. Despite the ribbon of development which extends along the road beyond Paignton I consider that the area is still part of the countryside. Whilst national and local policies are clearly directed at protecting the countryside from unnecessary development, the filling of small gaps within an otherwise built-up frontage is normally permitted if this can be undertaken without harm to the character of the area. I consider, however, that the appeal site is too large to be regarded as a small gap and there are many other gaps, some large and some small, in the development along the south side of Totnes Road. Instead, in my opinion, the development would constitute an undesirable intensification of ribbon development, which would result in a substantial change in the character of the area, and be contrary to policy. Furthermore, I consider that, having regard to the advice contained in Planning Policy Guidance Note 13, it would be necessary to remove a large section of the roadside bank and hedgerow to provide visibility splays at the junction of a new access with the main road. I consider the loss of the bank and hedgerow and the loss of the screening of the site which would result would also be detrimental to the character of the area.

6. I have considered all the other matters raised in the representations, I see no technical difficulties in developing the site, including the provision of access and sewage disposal, but find nothing to outweigh my conclusion that the development of the site as proposed cannot be regarded as infilling and would harm the character of the area.

7. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



C H FLOYD DipTP MRTPI
Inspector