



Appeal Decis



Site visit made on 07 Ma

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by Douglas P Machin

an Inspector appointed by the First Secretary of State

Date

17 MAR 2005

Appeal Ref: APP/X1165/A/04/1158699

Land Adjacent Marbrook, Totnes Road, Paignton, Devon TQ4 7PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs J Spears against the decision of Torbay Council.
- The application Ref P/2004/0283/OA, dated 16 December 2003, was refused by notice dated 30 June 2004.
- The development proposed is the erection of a dwelling.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the effects of residential development on the appearance and character of the area, and on the free flow of traffic.
3. I do not accept the appellants' contention that the proposal could be considered as infilling because the appeal site is not, in my assessment, a small gap in an otherwise built up frontage. Rather, it looks like an open paddock behind a hedge bank fronting Totnes Road, and appears part of the countryside. It is bounded on two sides by existing dwellings but backs onto open countryside. As one turns the nearby corner in the Totnes Road moving towards Totnes, there is a clear impression that the urban area of Paignton is being left behind. Although a new primary school is nearly opposite the appeal site, beyond that is open countryside. On the same side of the road as the appeal site, there is ribbon development for a considerable distance beyond the site but the semi-rural appearance and character of this part of Totnes Road is very striking. The land has no allocation or designation in the recently adopted Torbay Local Plan.
4. In this context, and in the absence of any evidence pointing to a compelling need to develop further green field land for housing in order to meet strategic housing requirements for Torbay, I consider that the appeal proposal would bring about an unwarranted and unwelcome change to the appearance and character of Totnes Road. The erection of a dwelling on the site, the domestication of the remaining open land, and the partial if not complete removal of the hedge bank to allow access to Totnes Road would further urbanise this area, and thereby further erode its semi-rural appearance and character. This was also the conclusion reached by my colleague Inspectors in 1981, 1989 and 1990. Accordingly, the proposal would conflict with the aims of Policies HS and H2 of the recently adopted Torbay Local Plan which seek new housing within urban areas and the avoidance of green field development when not justified.
5. I have also considered the implications for highway safety and the free movement of traffic along the Totnes Road, which is part of the Major Road Network, should the appeal site be developed with a dwelling. In view of the considerable volume of traffic that this road carries, especially in the holiday season, I share the Council's view that the formation and use of a new access onto the Road would impede traffic flow, contrary to the aim of Local Plan Policy T18.