

Town and Country Planning

Appeal Statement

on behalf of Torridge District Council

**Land to the South and East of Silford Road
Northam
Bideford
Devon**

APPEAL REF: APP/W1145/A/10/2135686

APPLICATION REF: 1/0481/2010/FULM

Proposed multi-sports centre comprising 4 internal and 4 external tennis courts, 3 squash courts, 2 sports/gym/recreation rooms, viewing area, lounge, small meeting room, refreshment area and associated facilities, provision of car parking and access, landscaping scheme and wildlife habitat.

October 2010

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1.0 PROPOSED DEVELOPMENT

- 1.1 The appeal relates to planning application Ref 1/0481/2010/FULM submitted by Westward Ho! Tennis Club and seeking full planning permission for a new multi-sports centre comprising 4 internal and 4 external tennis courts, 3 squash courts, 2 sports/gym/recreation rooms, viewing area, lounge, small meeting room, refreshment area and associated facilities, car parking and landscaping. Notwithstanding what was clearly a balanced recommendation for approval, the application was refused by the Council, after careful consideration by the Plans Committee on 12 August 2010, for the following reason:

The proposed development lies outside the Bideford/Northam/Westward Ho! Development Boundary within a rural gap, the material consideration of community benefit/enhanced recreational facilities on this site is not considered to outweigh the planning policy objection and would have a detrimental impact on the character and appearance of the open countryside and an adverse impact on the amenities of surrounding residential properties contrary to the aims of Policies DVT2C, DVT11 and ENV6 of the Torridge District Local Plan.

2.0 SITE AND LOCATION

- 2.1 The site is open agricultural grazing land located approximately half a mile from the centre of Northam. The site adjoins the Northam/Bideford/Westward Ho! development boundary but is outside the defined settlement area. The centre of Northam is to the north and the centre of Bideford lies further to the south. Access is gained from Silford Road, a narrow single-track lane, close to its junction with Daddon Hill. The land occupies an elevated and exposed position above Bideford on land which rises in a northerly direction towards Daddon Hill. There is a natural watercourse on the south-eastern part of the site.
- 2.2 There are residential properties to the north in the vicinity of Daddon Hill and to the south the site adjoins the Lenwood Country Club, a development of single storey holiday/residential buildings and a clubhouse, set in mature landscaped grounds. Adjoining land to the east and west is open and agricultural in character, with a strongly rural feel.
- 2.3 The site forms part of a Rural Gap, as identified in the adopted Torridge District Local Plan (LP). The Rural Gap is an area where development is restricted to preserve the natural appearance of the area and the separate identity of settlements. Being outside the development boundary, the site must also be treated as being within the countryside for planning policy purposes. An extract from the LP Proposals Map is attached at Appendix C (attached separately) to assist the Inspector's identification of the site and assessment of its context.

3.0 PLANNING HISTORY

- 3.1 A previous application Ref 1/0980/2009/FULM for a multi-sports centre comprising 4 internal and 4 external tennis courts, 3 squash courts, 2 sports/gym/recreational rooms, viewing area, lounge, small meeting room, refreshment area and associated facilities, provision of car parking and access, landscaping scheme and wildlife habitat was refused on 1 April 2010 for the same reason as the appeal scheme (the appeal scheme is a resubmission of the earlier scheme but incorporating revised landscaping proposals).
- 3.2 The site of the existing Tennis Club in Northam has the benefit of outline planning permission for its redevelopment to provide 24 dwellings. This permission is subject to a S106 legal agreement requiring the relocation of the facility within a reasonable proximity of the original site.

4.0 POLICY ANALYSIS

- 4.1 The Council's reason for refusal relies on three saved policies of the adopted LP. Although the Council's draft Core Strategy has been the subject of a recent public consultation exercise, it has not yet been subject to a public examination and does not yet carry significant weight. Therefore the saved LP policies, together with the saved policies of the adopted Devon Structure Plan 2001 to 2016 (SP), are the most up-to-date development plan policies for the area. Copies of the relevant policies, and saving Directions, have already been provided with the Appeal Questionnaire. For ease of reference, the relevant policy extracts are also reproduced at Appendix A and B of this statement.
- 4.2 LP Policy DVT2C makes it clear that in the countryside development should be strictly controlled. This in line with the broad thrust of national policy, as set out in Planning Policy Statement 7 *Sustainable Development in Rural Areas* (PPS7), whereby the protection of the intrinsic qualities of countryside areas is identified as an important national policy objective.
- 4.3 Policy DVT2C will only permit certain types of development, including countryside recreational development (criterion b), in the countryside. The Council does not consider that the proposed multi-sports centre, including substantial built development and indoor facilities, can reasonably be described as countryside recreational development. Neither is it a rural business or other local service requiring a rural location. It follows that the proposed development should not be permitted in the light of Policy DVT2C.
- 4.4 However, even if the Inspector considers that the development may qualify under criterion b, Policy DVT2C further requires that development should not detract from the character and appearance of the area. This applies in all cases. For the reasons set out below, the Council considers that the proposed

development would detract from the character and appearance of the area. It is therefore still the case that Policy DVT2C is not satisfied.

- 4.5 LP Policy ENV6 states, with reference to the Rural Gaps, that development will be expected to mitigate any adverse effect on the natural appearance of these areas or the separate identify of settlements with measures that seek to maintain or enhance the surrounding landscape. For the reasons set out in detail below, the Council considers that the proposed development fails to provide such mitigation and would neither maintain nor enhance the landscape but would cause significant harm to the form and setting of the settlement of Bideford/Northam/Westward Ho! It follows that Policy ENV6 is not satisfied.
- 4.6 LP Policy DVT11 requires that development secures or maintains amenity appropriate to the locality, with special regard to the likely impact on certain groups, including neighbours and the operation of neighbouring uses. The Council has set out below the reasons why the proposed development would cause significant harm to the amenities of surrounding residential properties, in contravention of Policy DVT11.
- 4.7 The Council does not rely upon any SP policies in its reason for refusal. However, the Inspector may find it useful to note saved Policies CO1, CO6 and ST1, which seek, amongst other things, to protect the character and quality of the environment, including its landscape character and the identity, distinctive character and features of existing settlements. These policies, whilst not central to the Council's case, support LP Policies DVT2C and ENV6 in terms of the need to protect the character, appearance, landscape and locally distinctive settlement pattern of the area.
- 4.8 The appellant has referred to certain other policies in support of the appeal scheme. In particular, LP Policy HSC22 states that the development of new and improved community facilities, including Class D2 assembly and leisure uses, will be permissible within or adjoining the defined development boundaries. However, this is only provided that the site is located in the best available place with regard to the community to be served and that no unreasonable harm would be caused to the amenity of neighbouring residents. The Council accepts that the proposed development would provide an enhanced community facility. The efforts of the appellant to identify suitable sites are also acknowledged.
- 4.9 However, it is not for the Council to propose suitable or alternative sites. The Council must assess each proposal on its merits. Such proposals fall to be considered not solely against Policy HSC22, but against all the relevant development plan policies. In particular, the fact that the proposed development would be located in open countryside and does not fall within any of the types of development permitted under LP Policy DVT2C indicates that this site is not in a suitable location in planning policy terms. Furthermore, if the Inspector finds that the development would cause significant harm to the amenities of

surrounding residential properties, the scheme fails to satisfy Policy HSC22 in all respects.

- 4.10 LP Policy HSC22 broadly reflects the recreation development criteria set out in LP Policy HSC14. LP Policy HSC14a sets out further criteria to be applied in relation to development and countryside access. This includes the need for development to fit in with its setting in an environmentally acceptable way. For the reasons given in detail below, the Council is not satisfied that the development would fit in with its setting in the protected landscape of the Rural Gap. It follows that the appeal scheme is not supported by these other policies.
- 4.11 The Council has also had regard to the government guidance given in Planning Policy Guidance Note 17 *Planning for Open Space Sport and Recreation* (PPG17). This recognises that the countryside around towns provides a valuable resource for the provision of sport and recreation. However, the guidance also states that all development in rural areas should be designed and sited with great care and sensitivity to its rural location. PPG17 does not therefore provide unqualified support for new sports and recreational facilities, but requires the need for such facilities to be weighed against the need to protect the character, appearance and amenities of the locality.

5.0 SUBMISSIONS

Main Issues

- 5.1 The main issues in this appeal are considered to be as follows:
- Whether the proposed development would cause significant harm to the character and appearance of the countryside within the locally designated Rural Gap and the form, setting and separate identity of the Bideford/Northam/Westward Ho! settlement.
 - Whether the proposed development would cause significant harm to the amenities of surrounding residential properties.
 - Whether this harm is outweighed by other considerations, particularly in terms of the benefit to the community from the proposed sports facilities.

Character and Appearance of the Countryside/Rural Gap

- 5.2 LP Policy ENV6 emphasises the importance of the Rural Gaps and their natural appearance in preserving the separate identity of settlements. This is particularly relevant to the circumstances of this appeal, given the established settlement pattern of the area. This is best appreciated by referring to an aerial view, such as the *Google Earth* extract shown in Figure 5.1 (below). This shows that the settlement of Bideford/Northam/Westward Ho! is not homogenous but has developed around the three main centres, each of which enjoys a distinctive

local character and identity, reflective of its geography and historical development.

- 5.3 The Inspector will see that the main centres of Northam and Westward Ho! lie some distance to the north of Bideford main centre. These two areas are connected by a narrow ribbon of development adjacent to the Torridge River. The Rural Gap adjoins this area to the west and prevents the coalescence of Northam/Westward Ho! and Bideford into a single large conurbation. The preservation of these distinct areas is essential to respect the historical development of the area and the well-established settlement pattern.



Figure 5.1 Google Earth extract showing the Bideford/Northam/Westward Ho! settlement and the location of the appeal site (outlined in red) in the Rural Gap

- 5.4 The Council is therefore concerned that any erosion of the natural appearance of the Rural Gap would likewise erode the form and setting of the settlement, leading to the undesirable intensification and consolidation of the established settlement pattern and its locally distinctive centres. The preservation of the Rural Gap and its natural appearance is therefore considered to be of prime importance. Indeed, policies for the protection of such gaps are well established within development plan policies in many parts of the country and play a vital role in preserving the character, appearance, form and setting of settlements.
- 5.5 As noted above (paragraph 4.3), the proposed multi-sports centre does not fall into any of the types of development permitted in the countryside by LP Policy

DVT2C. It follows that the location of this site in open countryside renders it unsuitable, in planning policy terms, for the type of development proposed. Furthermore, by reason of the development's scale and form, substantial harm would be caused to the natural appearance of the Rural Gap.

- 5.6 In particular, the appeal scheme would introduce substantial built development onto the site, including a multi-sports building measuring 101.06m long by 40.96m wide and rising to a ridge height of 11.74m. Although this structure would be partially dug into the hillside, this would not be sufficient to screen a building of this size and scale. Equally, the use of materials such as green profile sheeting can only go so far in disguising such a structure. Because of its size, regular proportions and artificial appearance, the multi-sports building would inevitably detract from the natural appearance of the open countryside within the Rural Gap.
- 5.7 Moreover, the slope of the land would have no significant mitigating effect on views from the south. From this direction the full height and bulk of the building would be readily apparent. Indeed, because of the building's elevated position on rising land above Bideford, it would be a most prominent and obtrusive addition to the open and undeveloped landscape of the Rural Gap. Also prominent from this direction would be the viewing terrace, exterior courts and floodlighting, all of which would introduce extensive formal hard landscape features across a substantial area of the site.
- 5.8 Although the hillside would partially screen views from the north, the large expanse of the building's roof would be clearly visible from this direction. Furthermore, the construction of a formal vehicular access and substantial new car parking would have a very considerable urbanising effect on the space around the building. These features would be clearly visible to anyone looking down onto the site from Silford Road and Daddon Hill.
- 5.9 Significant landscape works are proposed as part of the scheme. However, these works would at best provide an attractive setting for the development. It is simply not realistic to suggest that any scheme of soft landscaping would be capable of screening such a large building and such extensive hard landscape elements. Whilst enhancements to the ecological value of the south-eastern part of the site are proposed, these works are not necessary to address any identified problem or deficiency and in no way compensate for the significant reduction in the natural appearance of the countryside within the Rural Gap.
- 5.10 The Council is concerned that the proposed development, even allowing for the limited mitigating effect of soft landscape works, would transform the appearance of the site from an open field into a substantially developed and urbanised facility. The development would effectively infill the existing gap between the Lenwood Country Club to the south and existing development to the north at Gresham Court and Silford Road/Daddon Hill. This would cause

significant harm to the natural appearance of the countryside within the Rural Gap, leading inevitably to the undesirable consolidation of Northam/Westward Ho! and Bideford, thereby eroding the established form and setting of the settlement. In all these respects, the proposal fails to comply with LP Policies DVT2C and ENV6.

Effect on Residential Amenities

- 5.11 The local roads include Silford Road and Daddon Hill to the north and Lenwood Road to the east. These are quiet country lanes with a strongly rural character and a high level of environmental quality, deriving mainly from the peaceful character of the locality.
- 5.12 Whilst the local roads may have the technical capability, in highway capacity terms, of accommodating the additional traffic generated by the proposed development, the Council is concerned that the amenities of surrounding residential properties would be significantly harmed as a consequence of noise and disturbance arising from the increase in vehicular traffic using local roads.
- 5.13 The Inspector is asked to consider that such vehicle movements would be likely to occur throughout the day and into the evenings and weekends, during those times when local residents are most likely to be at home. Similarly, the use of the facilities at the proposed multi-sports centre is likely to be at its highest in the evenings and at weekends. Moreover, the external courts and facilities would naturally be used most intensively during the summer months. This coincides with the period of the year when local residents can be expected to have windows open and to be making most use of their gardens.
- 5.14 For all these reasons, the Council is concerned that the reasonable expectations of local residents to be able to enjoy their homes and gardens in peace and quiet would be frustrated by the level of activity associated with a development of the type and size proposed. The Council therefore considers that the proposed development would cause significant harm to the amenities of surrounding residential properties. In this regard, the proposal fails to comply with LP Policy DVT11.

Other Considerations (Community Benefit)

- 5.15 The preceding sections of this statement show that the Council has a robust policy framework in place for the protection of the form and setting of the Bideford/Northam/Westward Ho! settlement, the natural appearance of countryside within the Rural Gap and the amenities of local residents. It has been demonstrated that the proposed development fails to comply with these policies and would cause significant harm if permitted. Whilst other policies, including the national advice in PPG17, support the provision and enhancement

of sports and recreational facilities, this must be weighed against the need to protect the character, appearance and amenities of the locality.

- 5.16 For these reasons, the Council is firmly of the opinion that the appeal must fail unless the harm identified above is clearly outweighed by other considerations. In this regard, the Council acknowledges that the appeal scheme is not entirely without merit. In particular, the Council accepts that the proposal would enhance the provision of sports facilities in the area. It is conceded that there are no dedicated indoor tennis facilities within the Torridge District. However, against this must be set the fact that there are indoor tennis facilities at the Tarka Tennis Centre in Barnstaple and the High Bullen Hotel Sports Centre near South Molton (both in the adjoining North Devon District), providing a total of seven indoor tennis courts.
- 5.17 Although the six indoor tennis courts at the Tarka Tennis Centre are reportedly over-used, the Torridge Local Needs Assessment (TLNA) does not provide any evidence to suggest high levels of use of these facilities by Torridge Residents. Although the appellant states that the existing Westward Ho! Tennis Club is over-subscribed, it should be noted that the TLNA concluded that tennis clubs in Torridge are operating under capacity. This suggests that, whilst the appellant's existing facility is operating at capacity, there is not necessarily significant unmet demand for tennis facilities within the district as a whole.
- 5.18 Having regard to the above, the principal benefit of this proposal is considered to be the provision of indoor courts, as these are the only facilities proposed that are not currently provided within the district. However, as the development is essentially for a private members' club, the extent to which these facilities would benefit the community at large is debatable. In particular, the supporting information submitted with the application indicates that the centre will only be open for public use for two hours a day. Furthermore, these hours would be between 1400 and 1600, when the vast majority of potential users would either be at work or attending school or college.
- 5.19 The Council has been given to understand that further time slots and coaching sessions may be available for use by local schools and other community groups. The appellant is willing to accept a condition requiring the submission and approval of a Management Plan to include details of the opening hours and the availability to members of the public and other community groups. However, the details of this have yet to be agreed and this does not alter the fact that the proposed multi-sports centre is intended first and foremost as a private facility, with only limited access for other members of the community. The Council therefore submits that the development would bring only limited benefits to the community.
- 5.20 In addition to the above, the fact that the appellant has so far been unable to identify a suitable alternative site is advanced as an argument in favour of

approval. However, it does not follow that no suitable alternative sites exist or that other sites will not become available in the future. Furthermore, and notwithstanding the limited supply of suitable alternative sites, it remains the case that a site in open countryside is not, in planning policy terms, a suitable location for a development of this type. The difficulty of identifying a suitable site does not, in the Council's opinion, justify setting aside well-established planning policies for the protection of the countryside within the Rural Gap and the form and setting of settlements.

- 5.21 Overall, the Council finds that neither the limited community benefit associated with the proposal nor the limited availability of alternative sites outweighs the substantial harm that would be caused to the character and appearance of the countryside within the locally designated Rural Gap and the form, setting and separate identity of the Bideford/Northam/ Westward Ho! settlement. The harm identified by the Council to the amenities of surrounding residential properties further weighs against approval.

6.0 CONCLUSIONS

- 6.1 The Council has demonstrated that the proposed development fails to comply with important development plan policies for the protection of the character and appearance of the countryside in the Rural Gap, the form and setting of the existing settlement and the amenities of surrounding residential properties. The harm that has been identified in these respects is considered to be significant and over-riding. None of the other matters raised is sufficient to outweigh this objection. The Inspector is therefore respectfully asked to uphold the Council's decision and to dismiss the appeal.

7.0 SUGGESTED CONDITIONS

- 7.1 Without prejudice, and in the event that the Inspector is minded to allow the appeal, the Council asks the Inspector to consider imposing the conditions set out in the Statement of Common Ground submitted voluntarily by the parties in advance of this appeal statement.

APPENDIX A

POLICIES – TORRIDGE DISTRICT LOCAL PLAN (1997-2011)

DEVELOPMENT IN THE COUNTRYSIDE

3.51A The aim is to protect the character and appearance of the countryside while allowing for sustainable economic activity. The Government guidance strongly favours conversion of buildings to be restricted to business use, encouraging economic diversification and a mixed rural economy. The LPA gives priority to the conversion of rural buildings to employment rather than residential use. The priority to be given to employment generating reuses is addressed also in Policy DVT2. The term countryside is defined in the glossary of the Plan.

Development in the Open Countryside

3.51B In the open countryside outside the rural settlements, development should be controlled strictly, in accord with the Structure Plan. A positive policy is needed for economic activity that respects the countryside.

Policy DVT2C: Development in the Open Countryside

(1) In the countryside away from the villages development should not detract from the character and appearance of the area .

(2) Subject to the above general consideration, the following types of development will be allowed :

(a) the conversion of a previously used building or a redundant agricultural building for employment reuse;

(b) agricultural, countryside recreational, and /or identified types of tourist development and /or other development that is related to appropriate farm diversification;

(c) the alteration, improvement, redevelopment and /or minor extension of a building for purposes directly related to its established use;

(d) the provision of small scale rural business developments and other local services and /or utilities for which there is a proven need.

(3) Residential conversions will not be permissible unless the building is of architectural or historic interest, every reasonable attempt has been made to secure business reuse, and the site is not suitable for self-catering holiday occupation.

3.52 The creation of jobs is a priority in the area as a whole. Conversion for residential purposes is less favoured than conversion for commercial purposes. The policy facilitates farm diversification but the creation of living accommodation ancillary and subordinate to business reuse is not likely to be justified as an exception to the policy.

3.52A The types of tourist development are identified in the Structure Plan. For ease of reference , the types identified in the Structure Plan, where applicable to the Torridge rural area, are set out in the tourist development section of the Plan . The types of development related to farm diversification are advised in Government guidance. Types of non-agricultural development may include food processing and packing or machinery workshops, farm shops, and farm sports.

3.52B Where building reuse or replacement is permissible, the policies that follow in the next section of the Plan also will be applied.

3.52C [No text]

3.52D Small scale rural business development may be needed to reduce the need for long distance out-commuting from villages to jobs in urban areas.

3.52E [No text]

3.52F Where no change of use is proposed, a replacement building in the countryside may be permissible as an improvement. Demolition and replacement may be acceptable where, for example, the building is structurally unsafe or it lacks basic amenities and is not suitable for repair or alteration, either because it is uneconomic to do so or because the building is unsightly.

3.52G The replacement of an abandoned dwelling is not permitted by the policy. Abandonment depends upon the length of time the building has not been lived in and whether or not the use has subsisted.

3.52H The policy does not justify the redevelopment of temporary forms of accommodation, of ruins, or of derelict buildings or the replacement of holiday or seasonal accommodation.

Impact on Amenity

3.136 A criteria based policy is needed to guide consideration of the impact of new proposals on neighbours, visitors, and occupiers. The aim is to ensure that development is integrated properly into the urban or rural fabric.

Policy DVT11: Impact of Development on Amenity

Development will be required to secure or maintain amenity appropriate to the locality, with special regard to the likely impact on:

(a) neighbours and the operation of neighbouring uses; and

(b) future occupiers and visitors to the site; and

(c) necessary infrastructure and local services.

3.137 The policy introduces relevant amenity considerations. Proposals will be assessed, taking into account material planning considerations relevant to the proposal, the site, traffic, and the surrounding environment. Impact will be considered with reference to relevant public interests, and acceptability will depend upon reasonable expectations bearing in mind the locality, the history of the site, and the nature of the use proposed. The policy should ensure that neighbourhood amenity is not compromised. It also helps give effect to a Structure Plan requirement that works needed to service development, or needed as a direct consequence of development, shall be secured in an environmentally acceptable way.

3.138 Where it is necessary to make an assessment, the proposal will be expected to measure favourably against each relevant policy. It will not be appropriate to pick and choose. Where a proposal does not weigh favourably, planning permission will be refused. In making its assessment, the LPA will give full consideration to the delivery of quality in development and to the maintenance of environmental standards where applicable.

3.138A Where necessary in the interest of amenity, development must accommodate conservation and mitigation measures. Development schemes will be expected to integrate well with the existing pattern of development and with surrounding land uses and to take account of the availability of, or need for, additional infrastructure. In determining proposals, the adequacy of proposed protection measures will be a material consideration. Works necessary to make development acceptable must be agreed before development is allowed to commence.

Policy ENV6: Designated Landscape Areas

(1) Development that would affect an Area of Outstanding Natural Beauty will be permitted only where:

(a) it will not harm the landscape and scenic beauty of the designated area; or

(b) in the case of major development, there is a proven national public interest at stake and no alternative site outside the AONB is available.

(2) In the Areas of Great Landscape Value shown on the Proposals Map, development should not detract from the particular landscape qualities and characteristics that have led to the designation of that area.

(3) Within the Coastal Preservation Area as defined on the Proposals Map, development will be permitted only where there is a particular and proven need for that development to be located within the CPA, including where it supports public access and enjoyment of the coast, and where the need outweighs any harm to the unspoilt nature of the area.

(4) Within the Rural Gaps as defined on the Proposals Map, development will be expected to mitigate any adverse effect on the natural appearance of the designated area or the separate identity of settlements with measures that seek to maintain or enhance the surrounding landscape.

6.60 The policy provides for development necessary for the economic or social well being of such areas. Its provisions in respect of the AONB also apply to adjacent development. Incompatible developments in the AONB would include the following:

Development that would have an adverse impact on the landscape, on the public enjoyment of the area, or on the local community

Large-scale development that could be accommodated elsewhere, or the need for which could be resolved in some other way.

The area priority for the AONB is the conservation and enhancement of natural beauty.

6.61 The continuation of AGLVs ensures consistency with the Structure Plan.

6.61A The CPA is defined on the Proposals Map, consistent with the Structure Plan criteria that originally defined the area. It comprises both of the following sorts of area:

The Hartland and Lundy Heritage Coasts, including the North Devon AONB and the Northam Burrows Country Park

The undeveloped coastal setting of settlements.

The LPA will ensure that development is consistent with the conservation and enhancement of natural beauty and the protection of heritage features.

6.61B The Rural Gaps are areas of development restriction. The gradual and mature transition from urban to rural landscapes between Bideford, Northam, and Westward Ho! will be conserved and enhanced. Intermediary areas of transition between the built-up urban area and the open countryside have not been included in the gaps. Such areas of urban fringe may continue to evolve and may have recreation development potential.

6.61C The relatively narrow gaps between the coastal settlements, particularly in relation to the main area of economic activity, provide a valuable natural landscape and countryside setting and an opportunity for recreation, tourism, and rural development. Forms of rural development that would give a gap a developed appearance will not be permitted.

Policy HSC14: Recreation Development Criteria

(1) Recreation development and intensification of use will be permissible provided that:

(a) the site is located in the best available place with regard to community need and likely recreational demand; and

(b) the site and the access routes can accommodate the additional traffic; and

(c) the scheme would not cause undue loss of amenity to nearby residents; and

(d) adequate arrangements are made for access by public transport and for secured community use, establishment, aftercare, and maintenance.

(2) Recreation development in the countryside, including marine based, will be expected to enhance provision for access and enjoyment.

5.109 The policy provides that development will be expected to secure an appropriate relationship between facilities, the open space and transport networks, and neighbouring uses. The design quality, orientation, and location of open space are of equal importance to the amount and quantity provided. It is necessary to ensure that such development is suitably located and fit for the purpose. A good quality design will be important, particularly for recreational playspace and urban civic open space. Recreation areas contribute to the overall provision of open space and should be designed as an integral part of the open space network wherever practicable, with regard to the policy criteria.

5.109A The policy controls the location and form of provision. Details may be agreed with the service provider /adopting authority and the LPA, as may be advised in the leisure service code. New provision should be well related to the open space and recreation networks wherever appropriate. The nature of the need for children's play means that appropriate provision cannot always be linked with permanent recreation areas. 5.110 Recreation development proposals will be facilitated where provision is justified with reference to the relevant standards and targets or requirements. Appropriate access standards are advised in **Appendix 6A** of the Plan and explained in the DRS. Where the policy criteria are met, intensification measures that improve the effective use of recreation land and premises will be supported, including extended hours of operation, dual /shared use of facilities, floodlighting, and all weather surfacing. In the rural area, floodlighting will seldom be appropriate because of the adverse effects of light pollution. In the urban area, the design and installation of floodlighting should minimise light spillage, which could cause visual disturbance to neighbouring properties. A planning condition may be imposed to restrict hours of use or to require the use of shielding.

5.111 A new SPD on Open Space may be produced to advise about aspects of design. Such guidance would address standards of access, relationship with the open space network, and relationship with neighbouring areas.

5.112 [No text]

5.113 The second part of the policy seeks recreation enhancement. Where the policy criteria are met, the LPA will not raise an objection to the principle of proposals that comprise one or more of the following:

(a) The creation of a new recreational route, particularly a circular route from a popular location (b) The provision of additional convenient access to the recreation network (c) The increased usage of or improvement to the surface or alignment of an existing path, bridleway, or trail (d) The closure of an existing route where a suitable alternative is made available prior to closure.

Countryside Recreation

5.114 Countryside and coastal recreation are addressed in relevant countryside area management plans. There is an important network of recreational opportunity, based upon the definitive rights of way network and supplemented by areas of open access and specialist provision. The following types of recreation development are expected to locate in the countryside:

- (1) Provision for quiet enjoyment (eg picnic sites, parking facilities)
- (2) Specialist facilities for noisy sports which serve a wide catchment area
- (3) Proposals that extend countryside and coastal access (eg forestry trails, fishing lakes, cycle routes, new parking capacity)
- (4) Other necessary recreation and leisure facilities that meet local needs and cannot be located within a settlement because of the lack of suitable space.

Such development will continue to be supported in principle where it is needed.

5.115 The establishment, management, and enhancement of an integrated countryside recreation network will continue to be supported, comprising all of the following:

(a) Westward Ho! promenade (with enhancements) (b) Coastal and quayside esplanades and beach access areas (with improved tourist and recreation facilities) (c) Sea access points including slipways, jetties, launch and landing stages, and berthing and mooring facilities (d) The South West Coast Path (with enhanced coastline access) (e) Country parks, community woodlands, forest walks, and picnic sites in popular and accessible locations (f) Nature reserves, heritage landscapes, and open access areas in suitably accessible locations (g) The public footpath network and green lanes and permissive paths that provide convenient recreation links and circular walks (h) A comprehensive system of cycleways (incorporating the Tarka Trail, proposed Trail extensions, other proposed routes, and new urban and rural cycle links) (i) The bridleway network (j) Inland water recreation areas (with visitor facilities and access points) (k) Canoe and boat launch facilities at existing accesses to river, tidal, and coastal waters (with improved access for mobility impaired people) (l) The proposed Bude Canal Trail (m) Other active recreation facilities (with new and improved access links to the network).

It is recognised that management requires adequate maintenance, supervision, and control in appropriate circumstances. Proposals that extend access in woodlands and on open land including common land, the coast, and moorland will be supported as will the establishment of the South West Forest, community woodlands, permissive paths, access areas, village greens, local nature reserves, and heritage landscapes.

Development and Countryside Access

5.115A Further to the rural and recreation development strategies, additional considerations need to be applied in respect of development in a countryside setting. The LPA needs to ensure that all such development is well integrated.

Policy HSC14A: Access to the Countryside

Where development is granted permission under Policy DVT2C or on the edge of towns and villages it will be expected:

- (a) to fit in with the setting in an environmentally acceptable way; and**
- (b) where possible and reasonable, to demonstrate convenient access to the countryside recreational network of routes and facilities; and**
- (c) to facilitate the usage of rights of way associated with the site; and**

(d) to make good quality alternative provision prior to alteration or closure of any recreational routes affected by the proposal.

5.116 The policy applies to development in the countryside and to development on the edge of towns and villages. It provides that opportunities for enhancement of the countryside recreation network will be explored fully and reasonable enhancements will be sought within scheme designs. Subject to acceptable environmental impact, enhanced countryside access will be sought in popular locations by negotiating improvements to the countryside recreation network in association with new development in the rural area and on the urban fringe. Development in the countryside will be expected to integrate fully with the existing countryside recreation network by incorporating provisions for the maintenance and improvement of any affected footpaths or bridleways and for the development of appropriate network links.

5.116A Impact on the setting may be assessed with reference to important landscape and conservation interests. In assessing planning proposals, particular regard will be had for the recreational route network, the potential of the South West Forest, the level of demand for recreational activities, site accessibility and the relative ease of access for all sectors of the community, the possibility of congestion and the likely effectiveness of visitor management measures, the capacity of the environment to accommodate development on the scale proposed, and the potential for disturbance to local residents or to sensitive wildlife interests.

Community Service Development and Local Service

Provision

5.165 The Plan aims to safeguard access to essential services and to secure improved access to local services that meet sectoral and community needs in step with development. Villages and neighbourhoods should, where feasible, contain a sustainable range and level of services that minimise the need for travel by car. Service providers need to secure and maintain appropriate standards of provision, and the Plan needs to assist by encouraging service retention and safeguarding service development opportunities where necessary.

5.166 The retention of valuable services in accessible locations needs to be sought wherever these are considered essential.

Policy HSC22: Community Service Development and Local Services

(1) Development of new or improved community services, being uses within the residential institutions (C2), non-residential institutions (D1), or assembly and leisure (D2) use classes, or theatres, will be permissible within or adjoining the defined development boundaries and at Villages provided that the site is located in the best available place with regard to the community to be served and the scheme would not be unreasonably detrimental to the amenity of neighbouring residents.

(2) Planning permission will be granted for the change of use, piecemeal development, or development for other purposes of land and /or premises needed to provide or maintain local services, only where adequate alternative arrangements for the service have been made.

5.167 The policy does not apply to the settlements that are not classified as Strategic Centres or as Villages. The first part of the policy enables community service development where it is most needed. The LPA expects service providers to seek to develop and maintain sites that are well related to the communities they are intended to serve. The LPA will accept that a site is best placed where it is at a settlement and reasonably accessible to the population to be served with regard to the local transport objectives.

5.168 The second part of the policy seeks to maintain local services consistent with the function of settlements. As a matter of principle, the LPA will seek to maintain those services that are essential to maintain and support the rôle of settlements within the settlement hierarchy. Agencies responsible for the delivery of such services locally are encouraged to develop costed capital programmes in line with likely future requirements, so that prospective applicants may be made aware of community needs at an early stage.

5.168A Responsible service planning will enable the incorporation of appropriate provision in schemes, and fore knowledge of likely costs will assist financial planning. Land and premises will be safeguarded for the provision of community infrastructure where the need is identified, and land required for programmed development will not be released for other purposes.

5.169 In determining development proposals, adequate provision for the development and maintenance of supporting services made necessary by those proposals will be secured in step with development. It is expected that such infrastructure will be accommodated within the development where feasible, and it is anticipated that in many cases this will not be appropriate. The infrastructure provision policy of the Plan ensures that necessary provision may be made and that obligations may be entered into to secure commuted payments where others must make provision.

5.170 Local services for the purposes of this policy are defined exclusively as the following:

(a) A parish or local primary school with a permanent capacity that does not exceed the forecast capacity (b)

A local, village, or community meeting hall accessible on a daily basis (c) A general store or local food shop (d) A post office facility, being either a branch or a sub post office (e) A public house (f) Essential community services.

It is not appropriate for the Plan to determine the nature of provision of all such infrastructure.

5.171 Statutory service providers will identify essential community services. Essential services may include emergency services, healthcare services, social services, transport services, utility services, and any other local service essential to sustain the local community. Parish Councils may seek to identify additional local services essential to sustain community life (eg village green, car park, bus shelter, community hall). The replacement or enhancement of a local hall may be seen as essential where it is necessary to provide a community hall with additional services such as static library services, indoor sports facilities, or day care provision at the same site.

5.172 Individual development proposals will be assessed on the basis of likely impact on essential provision, with reference to existing capacity. Where the impact might not be acceptable, the applicant will be expected to demonstrate how essential service cover may be maintained.

5.173 Equivalent provisions are made for the retention of necessary open space, employment, and sport and recreation facilities, in **Chapter 3**, **Chapter 4**, and the recreation section of this chapter respectively.

5.174 The LPA will seek to sustain local services in neighbourhoods and in Villages and to provide for community service development by:

(1) Refusing planning permission for the change of use, piecemeal development, or redevelopment for other purposes of buildings and /or land required to establish or maintain essential local services or required to sustain the self-sufficiency of the community

(2) Refusing planning permission for proposals that would result in the loss of buildings and /or land safeguarded for essential community use unless adequate alternative arrangements are made.

5.175 The policy cannot militate against business failure or service closure, and it is not intended to protect every service against change. Its provisions will apply only where a service is not over provided and appropriate provision can be made viable.

APPENDIX B

POLICIES – DEVON STRUCTURE PLAN 2001 TO 2016

Sustainable Development

3.1 The Vision and High Level Policy Aims of the Structure Plan, as set out in the previous chapter, established the concept of sustainability as the key principle underlying the approach taken in the Devon Structure Plan. In doing so, it defined sustainable development as creating a better quality of life for everyone - for both existing and future generations.

3.2 There are certain **key issues** that are of fundamental importance if we are to move towards a more sustainable future. They relate to the four key aspects of sustainable development - the conservation of resources, the protection of environmental assets, meeting the needs of the community (including its economic and social needs) and the provision of sustainable transport.

3.3 One of the most **important aspects of resource conservation** is to ensure that, wherever possible, land that has previously been developed is used for accommodating new development, rather than green field sites. Government policy advocates a sequential approach to the identification of sites for new housing development which seeks to maximise the use of previously developed land. Regional Planning Guidance for the South West contains a target to achieve at least 50% of new housing provision on previously developed land. In setting out the distribution of development provision in Devon for the period to 2016, the Structure Plan has therefore sought to minimise the loss of greenfield land to built development.

3.4 In considering the **distribution of development** in the period 2001 to 2016 it has also been recognised that provision should be located in a way that reduces the need to travel and maximises accessibility to public transport. All sites should be developed at the optimum density, consistent with the character and appearance of their wider location. Policies set out in the Plan seek to ensure that development proposals conserve and enhance the quality of life of those living and working in the locality and are not detrimental to the urban or rural environment.

3.5 **Policy ST1** below establishes the role the planning system should play within Devon in addressing these issues and provides an overall context for the policies and proposals set out in the following sections of the Structure Plan. The principles set out in this Policy have important implications for the way in which new development is provided for. Policies ST3 and ST4 address specific issues in greater detail. Taken together, these three policies therefore set out the broad principles that should guide future development within Devon.

Policy ST1 Sustainable Development

In planning for the future of Devon, Local Planning Authorities and other agencies should ensure that sustainable development objectives are achieved by:

- 1) conserving resources - through the efficient use of land, waste minimisation, conservation of mineral resources, energy conservation and the use of renewable resources, and the effective management of water;**
- 2) protecting environmental assets - including landscape, the natural, built and historic environment - and ensuring that development proposals are well designed and sympathetic to Devon's distinctive character;**
- 3) meeting the needs of the community, including housing, employment, social and cultural needs, in terms of their range and scale - provided for in locations most accessible to those who need to use them;**
- 4) developing a sustainable transport system that is accessible, sustainable, integrated, efficient and safe, in both urban and rural areas - including pedestrian, cycle, road, rail, air, waterway and sea networks for work, shopping, leisure, and services;**
- 5) assessing the impact of proposals against national and regional indicators of sustainable development - to make positive improvements to quality of life.**

Landscape Character and Local Distinctiveness

4.6 The conservation of Devon's special landscape character is an objective that relates to the whole of the countryside, and the protection of the rural environment is one of the main elements of the Structure Plan strategy. Devon's landscape is not uniform and different parts of the County have very different and distinct characteristics. This variety is a result of a number of factors, some natural and some man-made, which together give each area its unique character.

4.7 Map 5 identifies the strategic areas of distinctive landscape character within Devon at a County scale (Landscape Character Zones). These Zones were derived as a part of the appraisal of the Devon landscape undertaken by Devon County Council and published in 2002 as "The Devon Landscape - an Appraisal of Devon's Landscape at the Beginning of the 21st Century". The characterisation includes a list of Key Characteristic Features for each Zone, a written description of each and an assessment of the subjective response to the landscape of each. Supplemented by any more detailed evaluations undertaken by District Councils, and by the County Council's own Historic Landscape Characterisation work, this characterisation provides a picture of the broad features and individual characteristics of Devon's landscape. Its maintenance and enhancement is critical to the overall quality and diversity of Devon's natural environment, including biodiversity and earth science interests which are also addressed through **Policy CO9**.

4.8 The maintenance and enhancement of Devon's landscape as a whole can only be effectively achieved if these distinctive qualities and characteristics are conserved. It will be important therefore to ensure that where change does take place, it contributes to the enhancement of landscape and townscape and respects 'local distinctiveness'. The Character Zones indicated on Map J will be used as an aid for the application of Policy CO1. The Key Characteristic Features for each Zone are set out in Appendix 1.

4.9 **Policy CO1** seeks to ensure that the overall quality of Devon's landscape, including its variety and distinctiveness, is conserved for present and future generations.

Policy CO1

Landscape Character and Local Distinctiveness

The distinctive qualities and features of Devon's Landscape Character Zones, illustrated in Map 5, should be sustained and enhanced.

Within the context of this broad characterisation, Local Planning Authorities should undertake more detailed assessments of landscape character in order to identify priority areas for the maintenance, enhancement and / or restoration

of that character and provide an appropriate policy framework in Local Plans for each area. Policies and proposals within each part of Devon should be informed by and be sympathetic to its landscape character and quality.

The Quality of New Development

4.32 The Structure Plan is not only concerned about the scale and distribution of development but also has to consider the impact upon the environment and the quality of the environment created by the new developments. All new development, whether in an urban or rural area, should respect the character and qualities of the area and provide an accessible and safe environment for its users.

4.33 Current Government guidance ('By Design - Urban Design in the Planning System') identifies the importance of good design in making successful places for people and has identified a number of objectives of urban design. These relate to character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity. In addition, the Regional Planning Guidance points to the importance of design in contributing to public health, crime prevention and community safety, particularly in urban areas where a high standard of design, alongside good mixed development, can contribute to 'urban renaissance'.

4.34 The majority of Devon's residents live and / or work in its cities and towns and the character of the urban environment is therefore a key factor in determining their quality of life. The retention and provision of open space, well related to residential areas, is an important factor in enhancing the quality of life in urban areas, and should include the potential to establish open space corridors within the urban areas linking to the open countryside.

4.35 The Structure Plan includes a range of policies within the relevant topic sections that seek to ensure that, where development does take place, sufficient weight is attached to the quality of the built environment. These issues will also need to be addressed in detail at Local Plan and development control level. **Policy CO6** recognises the need to conserve and enhance the urban environment of Devon, particularly when making provision for or considering development proposals.

Policy CO6

Quality of New Development

The identity, distinctive character and features of existing settlements, urban and rural areas should be conserved and enhanced. In planning for new development the Local Planning Authority should maintain and improve the quality of Devon's environment by requiring attention to good design and layout that respects the character of the site and its surroundings and by providing for regeneration and conservation, townscape enhancement, traffic management and the retention and provision of open space.

APPENDIX C

TORRIDGE DISTRICT COUNCIL LOCAL PLAN PROPOSALS MAP EXTRACT
(ATTACHED SEPARATELY)