
Appeal Decision

Hearing held on 26 November 2013

Site visit made on 25 November 2013

by Neil Pope BA (HONS) MRTPI

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

Decision date: 2 December 2013

Appeal Ref: APP/P1133/A/13/2203283

Land west of Exeter Road, Kennford, Devon, EX6 7TY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Lovell of Heritage Developments (SW) Ltd against the decision of the Teignbridge District Council.
 - The application Ref. 12/03723/MAJ, dated 14 December 2012, was refused by notice dated 1 August 2013.
 - The development proposed is a *development of up to 59 dwellings; up to 375m² B1(a) office; 2 B1(a-c) starter units up to 120m² (total); community car parking; recreational provision including village green space; children's play area; 576m² multi-use games area and 1.2ha open space/recreational area; acoustic bunding; access and associated highway improvements; and associated landscaping.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. With the exception of the means of access, all matters of detail have been reserved for subsequent consideration.
3. I have treated the proposed layout and masterplan as being illustrative only¹. The Council and the appellant informed me that the highway and access works² detailed on the WSP drawing ref. 31438/GA/01 Rev B³ were matters to be considered at this stage, as well as the 'zoning details' shown on drawing ref. 1038 L02.06. Both main parties also informed me that the 'Underground Infrastructure Mapping' plans listed in the Council's decision notice related to a different site and had been submitted in error.
4. In determining this appeal I have taken into account the contents of the Statement of Common Ground (SoCG) that has been agreed by the appellant and the Council. Amongst other things, it is agreed that the Council has sustained a persistent shortfall in its five year supply of housing over many years and does not have an adequate supply of housing to meet its obligations under paragraph 47 of the National Planning Policy Framework⁴ ('the

¹ With the exception of the proposed road widening and pavement extension onto Weighbridge Road. This forms part of the proposed access arrangements and is not detailed on any other plan.

² This includes a vehicular access into the site from Exeter Road with a bus stop alongside, a separate vehicular access off Exeter Road to provide school overspill parking, informal pedestrian crossings around the junction of the school and Exeter Road and some new footway provision.

³ Contained within the TMS Road Safety Audit Stage 1 report dated 18 March 2013.

⁴ This is a very important material consideration in the determination of this appeal and can be given great weight.

Framework'). It is also agreed that relevant policies for the supply of housing should not be considered up to date and the presumption in favour of sustainable development must apply.

5. At the Hearing a planning obligation (unilateral undertaking) was submitted on behalf of the appellant under the provisions of section 106 of the above Act. The includes provision for: making available 25% of the proposed homes as affordable dwellings; offering to make available two self-build plots; financial contributions towards school transport provision, mitigation in respect of the likely impacts on European protected sites⁵, as well as contributions towards the cost of indoor leisure facilities; paying the costs of an upgrade to the local sewage treatment works; recreational facilities within the site and; transferring 1.2ha of land to the Parish Council (PC) for use as open space. I shall return to this section 106 obligation within my reasoning below.
6. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

7. The main issue is whether, having regard to the shortfall in the supply of housing within the district, the proposals would give rise to any adverse impacts, having particular regard to the likely effects upon the character and appearance of the area and the setting of designated heritage assets, that would significantly and demonstrably outweigh the benefits of the scheme so as not to contribute to the achievement of sustainable development⁶.

Reasons

Planning Policy

8. The development plan includes the Teignbridge Local Plan (LP). This was adopted in 1996 and was intended to cover the period up to 2001.
9. As set out in the SoCG, the Council accepts that LP policies H1, H4 and H7 are out of date. At the Hearing both main parties agreed that policy H8 related to the supply of housing and was also out of date. I note the Council's argument that paragraphs 3.36-3.39 and 3.45 of the LP are still applicable. However, these relate to housing policies that are out of date and housing requirements, population projections and strategic policies⁷ which date from the early 1990s. This explanatory text is also out of date and is not determinative to this appeal.
10. As I found in the previous appeals⁸ in Shaldon in July 2013, LP policy ENV3 (development in Areas of Great Landscape Value [AGLV]) is not a criterion based policy and is at odds with the Government's objective for delivering growth⁹. There is nothing within the extracts from the Secretary of State's appeal decision (or extracts from the Inspector's report) at Dawlish¹⁰ to

⁵ The Exe Estuary Special Protection Area (SPA) and Ramsar Site and the Dawlish Warren Special Area of Conservation (SAC).

⁶ Paragraph 7 of the National Planning Policy Framework ('the Framework') sets out three dimensions to sustainable development – an economic role, a social role and an environmental role.

⁷ The policies within the Devon Structure Plan Third Alteration (SP) were superseded many years ago by a later version of the SP which was revoked in May 2013.

⁸ APP/P1133/A/13/2194908 and APP/P1133/A/13/2194913.

⁹ 'The Framework' and the Written Ministerial Statement of 23 March 2011 'Planning for Growth'.

¹⁰ APP/P1133/A/12/2188938.

- contradict my earlier findings. The Council's officer's, including the Solicitor, also advised members not to include this policy within the reasons for refusal.
11. LP policy ENV4 (development in the countryside) is also cited within the reasons for refusal. Whilst this is broadly consistent with the provisions of 'the Framework', some new housing will have to take place within the countryside if the Council is to achieve its necessary five year supply of housing.
 12. My attention has also been drawn to the provisions of the emerging Teignbridge Local Plan 2013-2033 (emerging LP). Under policy S21, Kennford has been identified as a village that is an appropriate location for limited¹¹ development. Small scale development can also be brought forward through Neighbourhood Plans. Under policy S22, development outside defined settlement limits¹² will be managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. Under policy EN2A, the landscape (including the AGLV) is to be protected and enhanced with adverse visual impacts minimised through high quality building and landscape design. This Plan is still undergoing Examination and there are unresolved objections to these policies. At this stage only limited weight can be afforded to these emerging LP policies.
 13. The Kenn Parish Community Plan was produced in 2004 and identified issues which were at the heart of the local community. These included a requirement for low cost housing that is in keeping with the rest of the village with large developments "*not wanted*". Parking was also identified as an issue, as well as insufficient pavements and a need for a play area. This Plan includes 'Recommendations' rather than policies and proposals. It is of very limited weight in the determination of this appeal. However, I understand that the appeal scheme was formulated following an approach by the PC. The appellant has worked closely with the PC in an attempt to address local concerns. There have also been considerable discussions with officers from the district council.

Character and Appearance

14. The appeal site comprises two separate parcels of land¹³. These are situated on the edge of Kennford and form part of The Exe Estuary and Farmlands landscape character type (LCT)¹⁴. Both parcels of land lie within the AGLV. The key characteristics of this LCT include a patchwork of medium to large scale pasture and arable fields delineated by often short or gappy hedgerows, high hedgebanks, occasional old orchards, historic buildings and features and a settlement pattern of nucleated villages. Amongst other things, 'the Framework' advises that planning should contribute to conserving and enhancing the natural environment.
15. As I saw during my site visit, many of the above landscape characteristics are evident in or immediately around the appeal site. However, notwithstanding some 20th century housing schemes, such as Rayners¹⁵, Kennford is a predominantly linear village with development spread out along the main street (Exeter Road). Whilst the A38 trunk road is adjacent to the western boundary

¹¹ The Council informed me that "*limited*" was not defined in the Plan but suggested that an increase of up to 10% would fall within the remit of this policy.

¹² The appeal site lies outside the settlement limits as defined on the Inset Map for Kennford.

¹³ The smaller part ('the 1.2ha portion') lies to the north of the main body of the site.

¹⁴ As defined in the Council's 2008 Landscape Character Assessment.

¹⁵ This estate road forms part of the 'gap' between the two parts of the site.

of the site, the village retains a rural character. This is due, in no small part, to the largely unspoilt open qualities of the main body of the appeal site and its established hedgerows¹⁶. These qualities also assist in maintaining the linear form of the settlement. This is an integral part of its character.

16. The main body of the site is also an attractive feature of the street scene of Exeter Road. This agricultural land and the substantial roadside hedgebank provide a strong rural element and a pleasing contrast to the row of houses opposite. The roadside wall and agricultural buildings adjacent to the Cider House also maintain a sense of enclosure that is typical of many traditional Devon farmyards. This adds to the character of this part of the village. From some public rights of way, including the footpath to the north of Haldon View, the pattern of fields and hedgerows within the site provides a visual link with the surrounding countryside. The main body of the site makes an important and pleasing contribution¹⁷ to the character and appearance of the area.
17. Notwithstanding the low density¹⁸ of the proposed development, the provision of some open spaces within the site and new tree and hedgerow planting, the illustrative masterplan indicates that a large part of the main body of the site would comprise buildings, roads and hard surfaces. The existing patchwork of three pastoral fields would be lost and considerable lengths of hedgerow would be removed¹⁹, including a section along Exeter Road. This would detract from the landscape qualities of the site and diminish the contribution it makes to the character and appearance of the village. There could also be future pressure to remove neighbouring sections of hedgerow²⁰.
18. However well sited, designed and landscaped, the scale²¹ of the proposed development would be significant. On the basis of the information before me, and in all likelihood, the impact of such a large number of new homes, served off lengthy estate roads with associated highway infrastructure, including lighting and footways could not be adequately mitigated. Together with the proposed recreation/play areas, the proposal would introduce an overtly suburban element into this part of Kennford. In addition, the new accesses onto Exeter Road, car park, bus stop and traffic calming would comprise an 'engineered' and urban addition to the village. It would diminish the sense of enclosure around the Cider House and would be at odds with rural character of the village and detract from the street scene of Exeter Road. These new works, rather than this traditional and locally distinctive building, would become the main focus of attention in this part of the street.

¹⁶ The appellant's Ecological Impact Assessment (EA) identifies a number of Important Hedgerows within the site, as defined under the Hedgerow Regulations 1997.

¹⁷ The agricultural machinery, polytunnel and semi-dilapidated farm buildings on part of the site are not uncommon within the countryside and do not significantly detract from the appearance of the area.

¹⁸ The appellant has calculated that the proposed residential density would be 16 dwellings/hectare.

¹⁹ At the Hearing the appellant informed me that 230m of hedgerow would be lost. This is very different to the figure of 511m specified within the EAD Ecological Impact Assessment (December 2012) commissioned by the appellant. Whilst the appellant informed me that this Assessment was a worse case scenario it is based on the same or similar illustrative layout plan to the one I have noted above.

²⁰ The boundaries of the appeal site would create a small pocket of agricultural land, adjacent to the A38. This would be separated from the rest of the retained pasture land to the north by an established hedgerow. Whilst the appellant informed me that, irrespective of the outcome of the appeal, the centre of farm operations was to be moved to the other side of the village, this would not prevent the efficient use of the remaining pasture land.

²¹ The local action group has calculated that it would increase the number of homes within the village by about 30%. The Council has calculated that this figure would be about 25% and the appellant has calculated that it would represent a 17% increase or 12% for the parish as a whole. I also note that the number of dwellings proposed is smaller than the two previous schemes which were dismissed on appeal in 1990 ((Refs. T/APP/Z1130/A/89/135257/P7 and A/90/161551/P7).

19. I note that it is intended to screen the proposed bund/acoustic fence²² along the western boundary of the main body of the site. However, it could take many years for new planting to establish and soften the impact of these tall new works. This bund/fence could comprise a prominent and intrusive addition to the settlement and further harm the character and/or appearance of the settlement. If outline permission was granted it is very far from certain that this or the other harm that I have identified above could be overcome.
20. When seen from sections of some public rights of way, including the footpath to the north of Haldon View, the proposed development would appear as a very sizeable extension to the village. The extent of this proposed 'lateral' enlargement of Kennford would considerably erode the linear form of the settlement and detract from its character and rural setting.
21. I note the appellant's argument that the proposals would not harm the character or appearance of the area. However, the LVA concluded that there would be an adverse effect on landscape character and on the ability to absorb the development over the short to medium term. In the absence of detailed plans regarding the internal access roads, hedgerow retention, screen planting, structural planting and boundary treatment, there can be little confidence that the scheme would avoid long term harm to the character or appearance of the area. It is also not lost on me that the LVA was prepared after the masterplan had been produced rather than informing the indicative proposals.
22. The proposal would conflict with the thrust of LP policy ENV4 and emerging LP policies S21 and EN2A. However, given my findings above regarding the lack of a five year supply of housing and the weight that can be given to the emerging LP, this policy conflict would not, by itself, justify withholding permission. The harm that I have identified to the character and appearance of the area and the uncertainty concerning the long term impact is however a significant consideration to be weighed in the overall planning balance.

Setting of Designated Heritage Assets

23. Both main parties agree that the proposals would affect the setting of the Grade II listed buildings known as the Cider House²³, Little Woodlands²⁴ and Stuart Lodge²⁵. Whilst the significance of these buildings lies primarily in their architectural and historic fabric the appeal site contributes to their significance.
24. The historic maps that have been provided show that over the period 1841 - 1979²⁶ a sizeable part of the main body of appeal site and some of the adjoining agricultural land was orchard. Whilst only one or two veteran orchard trees remain, the Cider House, as its name suggests, has functional and historic associations with the appeal site. The 'footprint' of buildings which exists today around this nationally important building is also very similar to the 'footprint' on the 1841 Tithe Apportionment Map. Although some remaining elements comprise rendered concrete block and corrugated sheeting, this is not unimportant to the setting of this building. It maintains a sense of enclosure.

²² The appellant informed me this would comprise a 2m high bund with a 2m high acoustic fence on top. The appellant's Noise Assessment report refers to a 4m high soil bund and the Landscape and Visual Appraisal (LVA) that was also submitted in support of the application refers to a 3m high landscape bund.

²³ Circa late 18th century, two storey rendered cob and stone rubble walled building with a red pantile roof.

²⁴ Circa 1840s house with flint and sandstone dressings and slate roof and front wall.

²⁵ Circa late 17th century house with whitewashed rendered stone rubble and cob walls with a thatched roof.

²⁶ The 1994 map does not show orchard trees on the site but the word "Orch" appears on part of the site.

25. At the Hearing the Council informed me that the proposed removal of the roadside wall and some of the farm buildings would require separate listed building consent. I have some sympathy for the appellant on this matter as in many discussions with the Council's officers no such application was requested. Whether or not such consent is required, I must have special regard²⁷ to the desirability of preserving the setting of all of the above noted listed buildings.
26. The proposed car park and access/highway works would result in a harmful loss of enclosure around the Cider House. The scheme would also largely sever this designated heritage asset from land which it has been closely associated with over very many years. The impact of the scheme would markedly erode the setting of this traditional rural building. In the context of 'the Framework' this would amount to less than substantial harm²⁸. However, that is not to say that this is unimportant and it weighs against granting planning permission.
27. Both Little Woodlands and Stuart Lodge overlook the main body of the appeal site. The largely unspoilt open qualities of this part of the site are an integral part of the pleasing setting to these buildings and assist in maintaining their significance as rural dwellings. The proposed development would be likely to erode this rural context and detract from their settings. This would also amount to less than substantial harm to the setting of these listed buildings.

Section 106

28. There is evidence before me to demonstrate that in the absence of financial contributions towards the cost of: mitigation to protect the SPA and SAC; school transport provision; indoor leisure facilities and; the inclusion of a mechanism for paying the costs of upgrading the local sewage treatment works, there would be harm to nature conservation interests and local infrastructure. A mechanism for providing recreational facilities within the site would also be necessary to meet the needs of incoming residents. The provision of an element of affordable housing would also be necessary to assist in meeting housing needs within the area²⁹. These parts of the planning obligation accord with paragraph 204 of 'the Framework'. I shall therefore take them into account in determining the appeal.
29. The offer of transferring 1.2ha of land to the PC for use as open space/or for use as flood storage is not necessary to make the proposal acceptable in planning terms. Whilst it would not meet the tests of paragraph 204 of 'the Framework' it has been put forward as a benefit of the scheme.

Benefits of the Scheme

30. The proposal would assist in meeting the Council's shortfall in the supply of housing within the district. It would increase the choice of housing and also assist in meeting the housing needs of the local community. Incoming residents and businesses would also be likely to support local services. It would also assist in supporting/creating jobs. These are important social and economic benefits which accord with aspects of emerging CS policy S22. This can be given considerable weight in the determination of the appeal. The

²⁷ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

²⁸ It would not comprise substantial harm to the significance of this asset as argued by the Council. I also note that no such concerns are expressed within the Council's reasons for refusal.

²⁹ Whilst I note that affordable housing has been provided in some neighbouring settlements the Council informed me that there was still a need for affordable housing within the parish. There is also an acute shortage of affordable housing throughout much of the rest of the district.

- provision of two plots as self-build units would benefit those wishing to provide their own homes. This adds some limited weight to the appellant's argument.
31. The proposed drainage strategy would include collecting the surface water from the site via a piped drainage network and attenuation to a 'greenfield' run-off rate prior to discharging into the River Kenn to the east. This would have a designed maximum run-off and would not be allowed to fluctuate to the existing uncontrolled run-off rates which occur during periods of extreme rainfall and which discharge onto Exeter Road. The scheme would therefore not only provide adequate surface water drainage for the development but would be likely to reduce the risk of flooding³⁰ within the village and downstream at Kenn as well. This is an important environmental benefit of the scheme which can be given much weight in the determination of the appeal.
 32. There would also be opportunity to use 'the 1.2ha portion' of the site as a flood storage area. However, the scheme does not include any such flood storage works. Furthermore, as I have found above, this part of the planning obligation is at odds with the tests contained with 'the Framework'. I am unable therefore to take this into account as part of the planning balance.
 33. The proposed on site play space and multi-use games area would enhance recreational opportunities for local residents. This social benefit can be given some moderate weight in this appeal. There would also be the potential to use 'the 1.2ha portion' as public open space. However, it is by no means certain the PC would purchase this area of land or use it for such purposes. I have found above that this part of the planning obligation is at odds with the tests contained with 'the Framework'. I am therefore also unable to take this matter into account in the overall planning balance.
 34. Notwithstanding my findings above in respect of character and appearance, the proposed car park would provide an opportunity for reducing on-street parking in part of the village, especially when parents/carers are taking/collecting children to/from the local primary school³¹. This could assist the free-flow of traffic in this part of the village. This 'social' benefit can be given some limited weight. In addition, the proposed traffic calming measures, bus stop, pedestrian crossings and footway provision would provide some further limited social benefits in terms of public convenience/safety.
 35. The mechanism within the section 106 planning obligation for upgrading the local sewage treatment works would allow for additional capacity over and above that required to serve the proposed development³². This could remove a potential constraint to other development within the area should this be required in the future. This is also a social/economic benefit of the scheme and can be given some limited weight.
 36. Within the Planning, Design & Access Report, it is argued that the proposed noise attenuation bund along the A38 would reduce noise for occupiers of existing properties. During my visit I heard the traffic noise from the trunk road. However, there is nothing before me to indicate that existing residents are experiencing problems or that the scheme would have any meaningful impact on enhancing their living conditions. This carries little, if any, weight.

³⁰ I note that considerable flooding occurred in the village in November 2012.

³¹ However, it is very far from certain that the scheme would reduce the number of car trips to the local school.

³² I understand that the payment was calculated/agreed with the water company on the basis of an earlier scheme which involved a larger number of proposed dwellings.

37. The totality of the above benefits can be given considerable weight in the determination of this appeal. The weight to be attached is a matter of judgement. Given the acknowledged shortfall in the supply of market and affordable housing within the district and the Government's objective to boost significantly the supply of housing, I was surprised when the Council informed me that only limited weight should be given to these benefits.

Other Matters

38. Hedgerows are a Priority Habitat under the Teignbridge, Devon and UK Biodiversity Action Plans (BAP) and can act as ecological corridors. The presence of a protected species is a material consideration when determining planning applications³³ and 'the Framework' advises that local planning authorities should aim to conserve and enhance biodiversity.
39. The appellant's EA identifies two hedgerows within the site as species-rich and indicates that these are an important habitat for the locally diverse population of bats³⁴. A Hazel dormouse nest was found in the central hedgerow within the site and the connecting hedgerows are also reported as supporting this protected species. A "good population" of slow worm was recorded within two discrete areas within the site. A Brown hare and common bird species also use the site and the hedgerows are also likely to be used by nesting birds. Bats, slow worms and dormice are protected species and dormice, Brown hare and slow worms are UK BAP Priority Species. The site has ecological value.
40. The proposed hedgerow removal and loss of pasture would have an adverse effect upon local wildlife³⁵. However, the proposed mitigation measures³⁶ would limit this disturbance³⁷ and new planting, including replacement hedgerows and bat and bird boxes would be undertaken. The EA concludes that the proposals would maintain and enhance the integrity of the habitat network within and adjacent to the site, with "probable" beneficial impacts for biodiversity in the long-term (10+ years).
41. Whilst the scheme could result in a net increase in hedgerow and the creation of new habitats, there are doubts in my mind that dormice and bats would withstand the rigours of the construction and post-constructions phases. The scheme would be likely to considerably disrupt the network of hedgerows upon which these protected species are dependent.
42. Even if the known dormouse nest was left undisturbed³⁸, it is by no means certain that dormice would remain on site or find a suitable, alternative habitat. The EA states that the new habitats would not be of value for four to five years after planting. This suggests to me that at best, it is likely to be the medium term (3-10 years) before the adverse effects upon dormice would cease. Even then, some incoming residents are almost certain to have pets which would pose a threat to the future well-being of dormice. I also have doubts regarding

³³ Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations And Their Impact Within The Planning System'.

³⁴ Used for foraging. No bat roosts were detected within the site although there are records of three bat roosts within 1km of the site. Bat activity was also recorded around a mature oak tree along the southern boundary.

³⁵ The EA identifies a "certain, adverse residual impact at the Parish level" for Hazel dormouse and bats.

³⁶ Both main parties have agreed that this could be secured by planning conditions relating to a landscape and ecology masterplan, a Landscape Environmental Management Plan and a scheme controlling external lighting.

³⁷ The EA identifies short-term (0-3 years) harm to bats and hazel dormice.

³⁸ The illustrative masterplan does not show this section of hedgerow retained.

the ability to control lighting within the development³⁹ and prevent incoming residents from fragmenting retained hedgerows. This could also disturb foraging bats. Whilst my decision does not turn on this matter, a detailed layout would provide more confidence/certainty regarding biodiversity.

43. I recognise that existing residents are very familiar with traffic conditions on the local road network. However, the Council, Local Highway Authority and the Highways Agency have not expressed any concerns regarding traffic or road safety issues. Whilst the proposals would increase traffic through the village there is no technical or cogent evidence to refute the appellant's Transport Assessment, A38 Highway Assessment Review and Road Safety Audit.
44. There is considerable local opposition to the scheme, including the PC. This is not in itself a ground for refusing permission. However, the success of a scheme of this scale, in a settlement the size of Kennford, is largely dependent upon community acceptance and involvement from the outset. As I have noted above, the appellant has worked closely with the PC and the district Council's officers in formulating this scheme, including undertaking a scheme of public consultation⁴⁰. Whilst I therefore have much sympathy for the appellant on this matter, it is very clear to me that the local community is not 'on board' and the benefits of elements of the proposals may not have been fully explained.
45. The Council's decision notice states that it has "*looked for solutions*⁴¹ to enable the grant of planning permission." Whilst its officers recommended the scheme for approval, there is nothing of substance to support this statement. Paragraph 187 of 'the Framework' advises local planning authorities to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. It is important that the Council is alert to this.

The Planning Balance

46. In considering the overall environmental impact of the scheme, the land drainage benefits do not overcome or outweigh the harm to the character and appearance of the area and the adverse impact upon the setting of three listed buildings that I have identified. As a consequence, the proposal would be at odds with the environmental role/dimension to sustainable development. Moreover, the totality of this harm would significantly and demonstrably outweigh the economic and social dimensions/benefits of the scheme. The proposal would therefore fail to contribute to the achievement of sustainable development. The appeal should not therefore succeed.
47. I recognise that the appellant will be disappointed by this decision. However, I must determine the appeal on the basis of the details before me.

Neil Pope

Inspector

³⁹ The EA anticipates that external lighting within gardens (directed away from hedgerows) would be enforced "*through an appropriate planning condition*". Any such condition would be very difficult to enforce.

⁴⁰ The appellant's consultation exercise, in "*not consulting on the principle of whether or not the site should be developed for housing*" may have inadvertently antagonised or confused some residents.

⁴¹ This reflects the wording in paragraph 186 of 'the Framework'.

APPEARANCES

FOR THE APPELLANT:

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Mr G Floyd BSc, BLD, CMLI Floyd Matcham

Mr D Lovell Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr I Perry Major Projects Officer

Mrs O Maidment CMLI Landscape Officer

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Mr S Carroll Biodiversity Officer

INTERESTED PERSONS:

Miss A Lovell Kennford Action Group

Mr P Lishman Kennford Action Group

Cllr J Goodey Ward Member, Teignbridge District Council

Cllr K Lake Ward Member, Teignbridge District Council

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

Document 1 Extracts from the adopted LP
Document 2 Emerging LP - Kennford Inset Map
Document 3 Objections to emerging LP policies
Document 4 Kenn Parish Community Plan 2004
Document 5 Section 106 planning obligation dated 26 November 2013

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