



Appeal Decisions

Site visit made on 28 May 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal A Ref: APP/J9497/W/23/3334395

Land at Timbers Road, Buckfastleigh, TQ11 0DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Low Pressure Developments Ltd against Dartmoor National Park Authority.
 - The application Ref is: 0364/23.
 - The development proposed is outline planning permission (with all matters reserved apart from access) for circa 75 dwellings and associated infrastructure.
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Appeal B Ref: APP/J9497/W/23/3334393

Land at Timbers Road, Buckfastleigh, Grid Ref Easting: 273314, Grid Ref Northing: 65238

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Low Pressure Developments Ltd against Dartmoor National Park Authority.
 - The application Ref is: 0363/23.
 - The development proposed is described as full planning permission for highway improvements to Timbers Road.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As set out in the banner headings above, both Appeals concern development at Land at Timbers Road, Buckfastleigh. The appeal proposals are clearly linked to each other in that the proposed highway improvements under Appeal B are important in terms of facilitating the proposed residential development which is the subject of Appeal A. Therefore, whilst I have determined each of these separate appeals based on their own individual merits, in the interests of conciseness, I have dealt with both appeals together.
4. The Appellant has submitted these appeals on the basis of non-determination of the planning applications. Following the submission of the appeals against non-determination, Dartmoor National Park Authority (the DNPA) has outlined

the reasons the planning authority would have given to refuse consent. The Appellant has seen these details and has had the opportunity to respond.

Background and Main Issues

5. The appeals concern an allocated site known as Proposal 7.6 Land at Timbers Road as contained within the Dartmoor Local Plan 2018-2036 (December 2021) (the Local Plan). Proposal 7.6 identifies land Parcel A as an area which is allocated to provide around 70 homes, and that land Parcel B has been allocated for the delivery of appropriate highway improvements works. The allocation stipulates requirements for the site including affordable housing provision, highways improvements and a surface water management plan. It also requires information to be submitted to inform an Appropriate Assessment under the Habitats Regulations to establish that development of the site will have no adverse impact on the South Hams Special Area of Conservation.
6. Based on the submissions and evidence that is before me, I consider that the main issues in these appeals are:
 - Whether or not the proposed development would meet identified local needs in terms of affordable housing (Appeal A),
 - Whether or not adequate information has been provided in respect of surface water drainage (Appeals A and B); and,
 - The effect of the proposed development on South Hams Special Area of Conservation (the SAC) (Appeals A and B).

Reasons

The Appeal Sites

7. The Appeal A site comprises an irregular shaped agricultural field, bounded by hedgerow, and located at Buckfastleigh. To the north the site is separated from housing by a narrow pathway. To the west of the site is a narrow rural lane, beyond which there is a large agricultural field. Timbers Road runs along the eastern boundary of the site, connecting with Rocky Lane which passes along the southern boundary of the site.
8. The Appeal B site is located south of the Appeal A site described above. The Appeal B site comprises land forming a steep embankment to the west of the lower section of Timbers Road as well as including a part of an existing agricultural field and farm access track. At the northern end, the Appeal B site meets the junction with Rocky Lane, and to the south meets the junction with the Plymouth Road.

Identified Local Needs and Affordable Housing

9. The Local Plan describes Buckfastleigh as a Local Centre and advises that detailed and up-to-date information about the settlement is available within its Settlement Profile. Under part 1 of Proposal 7.6 of the Local Plan, the appeal site which comprises Parcel A has been allocated to provide around 70 homes, of which not less than 45% must be affordable housing to meet identified local needs. Part 1 of Proposal 7.6 of the Local Plan further makes clear that "Development should come forward only in response to an identified affordable housing need".

10. Strategic Policy 3.1 of the Local Plan concerns meeting housing need and confirms that the Local Plan makes provision for at least 1,125 homes (65 homes each year after adoption) to be delivered across the National Park over the plan period in order to meet the identified needs of local communities. Criterion 1 of Strategic Policy 3.1 of the Local Plan further refers to a trajectory table and graph which illustrates the expected rate of housing delivery over the plan period.
11. Criterion 2 of Strategic Policy 3.1 provides that development on allocated sites will only be supported where there is a current identified affordable housing need, and states that for *"schemes of 6 homes or more within Local Centres...affordable housing need should be demonstrated by an up-to-date housing needs assessment"*. Criterion 4 of Strategic Policy 3.1 of the Local Plan confirms that the geographic areas from which affordable housing need should be identified, for a Local Centre such as Buckfastleigh, as being *"the housing need of the parish in which development is taking place and the adjoining parishes which are wholly or substantially within the National Park"*. The submissions in this appeal confirm that the relevant adjoining parishes to Buckfastleigh are Ashburton Parish, Dean Prior Parish and West Buckfastleigh Parish.
12. Given that the appeal proposal concerns development on an allocated site requiring affordable housing within a Local Centre, and comprises a scheme of more than six dwellings, affordable housing need would need to be demonstrated through an up-to-date housing needs assessment (HNA).
13. A HNA dated July 2023 was submitted in support of the planning application. The HNA refers to the Settlement Profile for Buckfastleigh as prepared by the DNPA in consultation with Parish and Town Councils, and notes that that profile identifies the affordable housing need for Buckfastleigh Parish as being 38 affordable homes in total. In that respect the Settlement Profile provides that 39 affordable homes are needed, but then also provides that that need comprises a mix of dwelling types which totals 38 residential units¹. However, the DNPA raises concerns that the information contained within the Settlement Profile with regards to affordable housing need, is based on a HNA from December 2014. Consequently, the DNPA does not consider that the submitted HNA is an up-to-date assessment as required by criterion 2 of Strategic Policy 3.1 of the Local Plan.
14. I have been referred to the DNPA's Housing Supplementary Planning Document (the SPD) which, amongst other matters, provides guidance on defining and identifying local housing need. Section 3 of the SPD sets out what is considered to be the minimum standards for HNAs, providing details of the matters and information to be included, and the approach to be taken in collecting data. Amongst other matters, section 3 of the SPD provides that all HNAs should *"only use secondary data as a source of information or to augment data collected from households which is up to date and relevant to the survey geography"*.
15. Section 3 of the SPD also provides guidance on the timing of HNAs, commenting that in recognising that HNAs identify housing need at a point in time, it is important they are undertaken at representative times to maximise their shelf life and future benefit. Section 3 of the SPD goes on to set out that

¹ "31 one or two-bed, 6 three-bed and 1 four-bed"

HNAs should be undertaken around every five to ten years, should not be normally undertaken following the grant of planning permission for a significant development, and that small communities can be susceptible to 'survey fatigue' with repeat surveying in short succession being unhelpful and undermines the sincerity of the process. However, the supporting text to Strategic Policy 3.1 provides that HNAs are typically valid for around three to five years.

16. There is no evidence before me to confirm or suggest that the December 2014 HNA contained within the Settlement Profile was undertaken following the grant of planning permission for a significant development. The details contained within the July 2023 HNA which accompanied the planning application, were based in part on data from the December 2014 HNA and, consequently, were based on information that would have been almost nine years old. As such, whilst those details contained within the July 2023 HNA are outside of the range for how long HNAs remain typically valid for in terms of the supporting text to Strategic Policy 3.1 of the Local Plan, the provided details would be within but towards the upper limit of the range of five to ten years that section 3 of the SPD indicates is suitable in terms of timing.
17. Both the guidance contained within the SPD and the cited supporting text of Strategic Policy 3.1 are not policy requirements. Whilst I note the supporting text contained within the Local Plan, I also acknowledge that the SPD has been more recently published. I consider that the SPD attracts substantial weight in the determination of this appeal. Given that position, in my view it is necessary to consider other matters and information that could give confidence that the details contained within the December 2014 HNA were still relevant at the time of the Appellant's July 2023 HNA.
18. In that respect, the July 2023 HNA also included details obtained from the Devon Home Choice Housing Register which, as of April 2021, indicated that there were 31 units of accommodation being sought at Buckfastleigh. Further details from the Devon Home Choice Housing Register as of May 2023, identified a need of 41 units of accommodation at Buckfastleigh. When taking into account the relevant adjoining parishes described above, the Housing Register as of May 2023 identified a total need of 89 affordable housing units.
19. Whilst those details are noted, section 3 of the SPD indicates that Devon Home Choice does not assess whether applicants on the Housing Register would comply with the specific criteria applied in the National Park, and which prioritises affordable housing for occupation by those who meet Dartmoor's local eligibility criteria. Consequently, in this instance I conclude that some caution should be applied when relying on data from the Housing Register.
20. Nonetheless, further information has been provided in support of the appeal with regards to provision of affordable housing at Buckfastleigh since the date of the Settlement Profile December 2014 HNA was published. Whilst I have not been provided with a copy of the response, the Appellant has put it to me that a Freedom of Information Request² revealed that eight affordable houses have been provided in Buckfastleigh since the publication date of the December 2014 HNA.
21. Additionally, it must be acknowledged that the site allocation at Timbers Road was inserted into the Local Plan as a Main Modification through the

² The Appellant refers to "Freedom of Information request 532".

- development plan Examination process. I have been provided with a copy of the Local Plan Inspector's report (November 2021) and it appears that at the time of that report, Proposal 7.6 related to another site at Holne Road, Buckfastleigh, but for which the Local Plan Inspector raised concerns in respect of uncertainty of site delivery. As part of the report, the Local Plan Inspector found that in the absence of the Holne Road allocation, there is a very real possibility that local housing needs would not be provided for.
22. An alternative site was identified, with the Local Plan Inspector commenting that such an alternative was necessary *"to ensure enough land is deliverable to meet local needs, provide appropriate opportunities in Local Centres in accordance with the spatial strategy and to ensure that the Plan's minimum housing provision is achievable with appropriate flexibility in the event of any non-delivery"*.
 23. In light of the above, I am satisfied that there remains an identified affordable housing need within Buckfastleigh, and its associated relevant adjoining parishes, for which the proposed residential development to include affordable housing could make a significant contribution towards.
 24. Notwithstanding the above, it is also important to consider whether the proposal would deliver a balanced mix and tenure split that is capable of meeting a suitable range of need over a prolonged period. Strategic Policy 3.2 of the Local Plan provides that all new housing development should contribute towards creating and sustaining sustainable and balanced communities by delivering a mix of dwelling sizes and types, that will meet the needs of present and future generations.
 25. Further to the matters described above, Section 3 of the SPD also notes that all HNAs should provide an objective and evidenced overview of the scale and nature of the full range of housing need and, in terms of housing types provides that each *"HNA should be tailored to assess need for suitable housing types with reference to existing data and advice from DNPA and the Housing Authorities"*.
 26. The Appellant has provided a completed planning obligation³ in support of the appeal, and which secures the numbers of affordable housing units in accordance with the requirements of Strategic Policy 3.3 and part 1a) of Proposal 7.6 of the Local Plan. Amongst other matters, the submitted planning obligation provides a mix of housing types to include: 10 one bedroom flats and 12 two bedroom flats as affordable rental units; with 8 two bedroom houses and 4 three bedroom houses as shared ownership units. The split between affordable rental units and shared ownership units accords with the wording of the supporting text to Strategic Policy 3.2 of the Local Plan which indicates that a 70/30 division between affordable rent and shared ownership is usually appropriate.
 27. However, the information provided by the relevant Housing Authorities includes details of the priority of needs expressed through the Devon Home Choice Housing Register (September 2023), and which confirms that while there are more applicants for one and two bedroom units, a significant majority of those applicants are within the lowest band in terms of priority of needs. Conversely, the information provided by the Housing Authorities show that for three and

³ Under Section 106 of the Town and Country Planning Act 1990

four bedroom units the majority of applicants are within the highest band in terms of priority of needs.

28. Further to the above, whilst noting that the application is in outline, the submissions before me to include the submitted HNA, also suggest that the affordable rental units would all be provided within three dedicated blocks of flats at the appeal site. I acknowledge the Appellant's contention that, by reason of the compliant provision of 45% affordable housing, the viability of the site is marginal and that there is consequently little or no scope to vary the mixture and tenure split of the affordable housing proposed.
29. However, the information submitted at appeal regarding viability is rather limited and of a general nature, referring only to the contention that the appeal site, if it is to be delivered, has to absorb some significant abnormal costs associated with, amongst other things, the required widening of Timbers Road and works required concerning drainage. In that respect, the additional information submitted by the Appellant regarding potential viability concerns at another different unconnected site, has no bearing on the matters that are the subject of these appeals.
30. The submitted HNA has not provided details or analysis of the priority of needs as described above and, as such, in this regard, the submitted HNA is not up-to-date, nor accords with the provision that the size and tenure mix of the development should respond to the need identified as outlined in Strategic Policy 3.1 of the Local Plan.
31. Furthermore, it has not been demonstrated that the proposed inclusion of all the affordable rental units within dedicated blocks of flats at the site, would comply with the provisions of Strategic Policy 3.2 of the Local Plan, namely that developments contribute towards creating and sustaining sustainable and balanced communities by delivering a mix of dwelling sizes and types, that will meet the needs of present and future generations. Whilst it is important to note that affordable housing needs, in terms of dwelling sizes and types, may change over time, there is little or no evidence before me to suggest that by providing all affordable rental units in three blocks of flats at the site, the scheme would provide an appropriate and balanced mix of housing that is capable of meeting a good range of need over a prolonged period of time.
32. In summary of this matter, given the provision of 45% affordable housing at the site within a Local Centre, the proposal under Appeal A complies with the requirements of Strategic Policy 3.3 of the Local Plan. However, the proposal would not accord with the aims and objectives of Strategic Policy 3.1 of the Local Plan in terms of providing an up-to-date NHA. The proposal would also conflict with the provisions of Strategic Policy 3.2 of the Local Plan by failing to demonstrate that the scheme would deliver a suitable mix of affordable dwelling sizes and types. Consequently, it has not been demonstrated that the proposal under Appeal A would meet identified local needs in terms of affordable housing.

Drainage

33. Strategic Policy 2.5 of the Local Plan concerns the water environment and flood risk, and provides that major development must incorporate sustainable drainage systems, taking account of advice from the Lead Local Flood Authority (the LLFA), and that, where necessary, conditions will be used to ensure their

future management and maintenance. Part 3b) of Proposal 7.6 of the Local Plan requires that schemes “*be supported by a surface water management plan which demonstrates how surface water from the proposed development and adjoining public highways will be disposed of in a manner that does not increase flood risk elsewhere*”.

34. The appeal sites are located within Flood Zone 1. However, flooding can occur from surface water, including that running off housing sites, if that surface water run-off is not disposed of effectively. A significant number of objections have been raised by interested parties in respect of surface water flooding occurring in the vicinity. The planning application was supported by a Flood Risk Assessment and Sustainable Drainage Strategy. However, the LLFA raised a number of objections in respect of both sites that are the subject of these appeals.
35. With regards to the Appeal A site, the LLFA objections appear to concern matters, such as seeking further information on infiltration rates and further details regarding an infiltration basin location, and do not appear to raise issues which question the principle of the drainage scheme. In those regards, I am satisfied that these matters can be adequately secured by planning condition alongside the reserved matters submissions. As such, I am satisfied that the Appeal A scheme would accord with the provisions of Strategic Policy 2.5 of the Local Plan and the requirements of part 3b) of Proposal 7.6.
36. In respect of the Appeal B site, it is noted that the DNPA originally raised concerns regarding the implications of the removal of part of the embankment to facilitate widening the road, on surface water discharge. However, the DNPA has acknowledged that the Appellant has, through the appeal process, agreed to install a field drain which will intercept water that currently traverses this field which forms part of the Appeal B site, and this drain would direct that water into a watercourse located at the southern end of Timbers Road. The DNPA agrees that this would represent a betterment that could be secured by planning condition.
37. For the full planning application which is the subject of Appeal B, it is proposed that the surface water arising from the additional area of road will drain to an attenuation tank to be located under the widened road before outfalling to the existing highway drainage system. However, whilst noting the details provided by the Appellant, the LLFA objected to the proposal on the grounds that the application did not provide sufficient information in order to demonstrate that all aspects of the proposed surface water management system have been considered.
38. In that regard, the LLFA raises concerns that, following the update of the Flood Risk Assessments: Climate Change Allowances document (May 2022), the Appellant would be required to use the new climate change uplift value when sizing the proposed water drainage management system. The LLFA notes that the Appellant had used the 40% climate change allowance as a design parameter instead of the required 50% allowance. Furthermore, the LLFA raises concerns that the proposed attenuation tank appears to be within a location of shallow groundwater and suggests that further investigation is needed to ensure that that attenuation tank would not be affected by floatation. The LLFA also maintains that further details of whether the flows

from the existing Timbers Road and Rocky Lane could be attenuated or managed, are required in respect of the full planning application.

39. In light of the submissions before me, I share the concerns of the LLFA in respect of the sufficiency of the information provided in respect of the Appeal B site. There appears to be a gap between the information supplied by the Appellant and that which would give the DNPA and the LLFA confidence that the arrangements for surface water drainage would not result in increased risk of flooding arising elsewhere.
40. I have noted and considered the Appellant's submissions that the concerns raised by the LLFA could be adequately dealt with by means of planning condition. In that respect it is noted that the Appellant suggests a planning condition requiring, amongst other things, that a detailed drainage design, and proposals for the adoption and maintenance of a surface water drainage system, must be approved in writing by the DNPA prior to commencement of the development. However, if Appeal B was to be allowed subject to a condition that surface water drainage arrangements be approved by the DNPA, there would be no certainty that a scheme would be subsequently approved in the form before me given that the required additional details may result in the need to amend aspects of the proposal.
41. For these reasons, whilst I find that the concerns raised in respect of the Appeal A site could be adequately dealt with through the reserved matters process, there remain issues regarding the Appeal B site in terms of the sufficiency of information provided with regards to surface water drainage arrangements. As such, it has not been demonstrated that the Appeal B proposal would not give rise to issues arising from inadequate drainage. I therefore conclude that the proposal under Appeal B would conflict with the aims, objectives and provisions of Policy 2.5 of the Local Plan and would fail to accord with the requirements contained within part 3b) of Proposal 7.6 of the Local Plan.

The South Hams Special Area of Conservation (the SAC)

42. The allocation site is located within the Impact Risk Zone for the Buckfastleigh Caves Site of Special Scientific Interest (SSSI) which is part of the five component SSSIs which comprise the SAC. The Buckfastleigh Caves SSSI is important as it contains a maternity roost for Greater Horseshoe Bats (GHB) which may be the largest such roost in Europe. In respect of the Buckfastleigh Caves SSSI and the SAC, the allocation site is within the South Hams SAC Sustenance Zone, the GHB Sustenance Zone and GHB Connectivity Zone.
43. Strategic Policy 2.2 of the Local Plan concerns conserving and enhancing Dartmoor's biodiversity and geodiversity. Amongst other things, that policy confirms that development proposals, either alone or in combination with other development, having adverse impacts on internationally, nationally or locally designated biodiversity sites and/or on Dartmoor's priority habitats and species, will only be permitted in exceptional circumstances.
44. The Local Plan Inspector's report confirms that the Timbers Road site has been subject to the same methodology as other sites including Sustainability Appraisal and Habitats Regulations Assessment, and that site specific requirements ensure appropriate vehicle and pedestrian access, protect biodiversity including the SAC, and address flood risk. The report goes on to

confirm that on that basis the allocation is justified. It is therefore clear that the allocation of the site has itself been the subject of an appropriate assessment.

45. In support of the planning applications that are the subject of these appeals, the Appellant submitted an Ecological Impact Assessment and a document entitled 'Appropriate Assessment Considerations' (the AAC). Those reports provided details of the bat surveys undertaken, with the AAC confirming that a *"low level of greater horseshoe activity was recorded to the boundaries of the Site. The highest level of activity was recorded to the west boundary, but this level of activity was still low"*.
46. The AAC then acknowledges that an increase in artificial lighting levels could have a long term negative impact on the ability of GHBs to commute along the western boundary of the site. In that regard, the AAC proposes that mitigation in the form of the retention of the existing hedgerow on the western boundary of the site, the provision of a new hedge to the west of that existing western hedgerow on land outside of the site but in the Appellant's ownership and requiring low light levels within that new dark corridor of hedgerow, could be secured by the imposition of planning conditions. In that regard, a legal opinion provided in support of the appeals concludes that the decision maker must be satisfied that imposed planning conditions will be able to ensure that there is no harm to the integrity of the habitat site even if the details of how that will be achieved will be left to later.
47. Natural England (NE) advises that they are not content that the above-described proposed mitigation measures would be sufficient to avoid an adverse impact upon the integrity of the SAC, commenting that they *"cannot be confident that all Greater Horseshoe bat commuting foraging routes from the South Hams SAC will be adequately protected from artificial lighting or disturbance"*. NE confirms that it is not possible to conclude that the proposal is unlikely to result in adverse effect on the integrity of the SAC.
48. NE raises concerns that the abovementioned proposed provision of a new hedge to west of the existing hedgerow on the western boundary of the site does not accord with the Devon Dark Corridors Guidance (2022) by reason of its location in relation to potential lighting impacts from the proposed new dwellings, vehicle headlights and future external lighting. NE further recommends that additional details and mitigation be provided in support of the proposed development at both appeal sites, and which would help inform the required appropriate assessment. In that regard, NE advises that, amongst other matters, it is recommended that details to include dark corridors for all boundaries of both appeal site A and appeal site B be provided. These concerns reflect those of the DNPA.
49. NE further advises that suggested planning conditions should be revised to require that a lighting scheme should form part of a reserved matters application rather than being required later and prior to installation, and that the proposed offsite hedgerow should be provided in advance of any works rather than only being required prior to occupation of half the proposed dwellings. The consultation concludes that, subject to the abovementioned measures, NE would be content that there is suitable mitigation against any adverse effects upon the integrity of the SAC.

50. It is noted that the appeal schemes do not propose to introduce artificial lighting in the lanes that surround the appeal sites or to any new internal road layout that would be created. The evidence before me also indicates that GHB commuting activity was recorded only along boundary hedges to the sites.
51. The Appellant proposes to maintain and strengthen those linear features by additional hedgerow planting in a position that is located as close to those existing boundary hedges, but as far enough away from any new dwellings as can be achieved. In that respect, the Appellant has provided an illustrative masterplan for the Appeal A site which shows a *"form of development that keeps faces of dwellings well away from existing hedgerow boundaries"*, with the Appellant maintaining that those dark corridors around the edge of the site could be secured by planning condition.
52. The recommendations made by NE in their consultation response relate to the requirement to submit additional details, such as for the proposed dark corridors around both appeal sites. All of the matters raised in that regard, as well as further details of mitigation in the form of dark corridors, could be secured at this stage by planning condition.
53. As such and in light of the above, in my view sufficient information has been submitted to enable an Appropriate Assessment on the impact of the proposals on the SAC. Subject to the imposition of suitable conditions as suggested by NE, both appeals that are before me would not conflict with the provisions of Strategic Policy 2.2 of the Local Plan, nor would fail to accord with the requirement contained within Proposal 7.6 that applications should be supported by evidence to inform an appropriate assessment under the Habitats Regulations in order to establish that development of the site would have no adverse impact on the SAC.

Planning Balance

54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Appeal A

55. For the above reasons, I find that adequate information has been provided in respect of surface water drainage for the Appeal A site, and that sufficient information has been submitted to enable an Appropriate Assessment of the impact of the proposed development on the SAC to satisfy the requirements that the proposals would not have an adverse impact on the SAC.
56. Nonetheless, I have also concluded that the proposal under Appeal A conflicts with the provisions of the development plan with regards to providing an up-to-date HNA and in respect of demonstrating that the scheme would deliver a suitable mix of affordable dwellings sizes and types. The Appeal A scheme would therefore conflict with the policies of the development plan when taken as a whole. That conflict is a matter that attracts significant weight in the determination of this appeal.
57. Weighed against that conflict with the development plan, in addition to the benefits arising from the delivery of open market housing, there would be clear benefits associated with the provision of affordable housing on an allocated site in an area where there is an identified need for affordable housing.

Furthermore, the site is accessible to the range of services and facilities contained within Buckfastleigh. I also accept that future occupants could help support the local economy through future spend within local businesses and that the proposal would provide some economic benefits in terms of employment during the construction phase. It is further acknowledged that the proposal would exceed the Biodiversity Net Gain requirements as stipulated within Strategic Policy 2.3 of the Local Plan.

58. It is also noted that the submitted planning obligation further secures contributions towards health services and education provision. However, these matters relate to mitigation and therefore carry neutral weight in the determination of this appeal.
59. In terms of the overall balance, the significant weight that should be given to the above identified cumulative benefits of the proposal, would not outweigh the significant weight to be given to the conflict with the policies of the development plan when taken as whole. Consequently, Appeal A should be dismissed.

Appeal B

60. For the reasons given above, I have found that sufficient information has been submitted to enable an Appropriate Assessment of the impact of the proposed development on the SAC, to satisfy the requirements that the proposals would not have an adverse impact on the SAC. However, I have also concluded that insufficient information with regards to surface water drainage arrangements has been provided in respect of the Appeal B scheme and would conflict with the requirements of the development plan in that regard. Whilst I acknowledge that there would be some benefits arising from the proposed highway improvements, those benefits would not outweigh the scheme's conflict with the requirements of the development plan to which I attach significant weight in the determination of this appeal.

Other Matters

61. In addition to the matters considered above, interested parties have raised concerns regarding the proposals on grounds of traffic and highway safety, ecology, biodiversity, as well as in respect of impacts on local schools and health services. Furthermore, a number of concerns have been raised with regards to the allocation of financial contributions that would be secured by planning obligation. Whilst I acknowledge the concerns raised in those regards, given my findings in relation to the main issues above, these are not matters that have been critical to my decision.
62. Additional objections to the proposals have been submitted on grounds of impact on the surrounding landscape. Within National Parks, section 245 of the Levelling-up and Regeneration Act 2023 requires me to seek to further the purposes of (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the area; and (b) promoting opportunities for the understanding and enjoyment of the special qualities of the area by the public. The National Planning Policy Framework also requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks. However, whilst acknowledging the submissions of the Appellant, DNPA and interested parties in that regard, again given my findings in relation to the main issues above, it is not necessary to consider this matter further.

Conclusion

Appeal A

63. For the reasons given above the appeal should be dismissed.

Appeal B

64. For the reasons given above the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/J9497/W/23/3334395	Low Pressure Developments Ltd
Appeal B	APP/J9497/W/23/3334393	Low Pressure Developments Ltd