The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2018

by C Jack BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2018

Appeal Ref: APP/Q1153/W/18/3198937
Sungates, 123 Old Exeter Road, Tavistock, PL19 0JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs M Cole against the decision of West Devon Borough Council.
- The application Ref 3896/16/FUL, dated 5 April 2016, was refused by notice dated 1 December 2017.
- The development proposed is change of use from agriculture to residential and construction of 2 4-bedroom houses with associated installations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging Plymouth and South West Devon Joint Local Plan (JLP) has been submitted for examination in public. The remaining timetable for the examination is not clear, neither is the extent of outstanding objections to relevant policies, and policies may be subject to modification. Therefore, I consider that very little weight can be attributed to JLP policies for the purposes of this appeal, having regard to paragraph 216 of the National Planning Policy Framework (the Framework).

3. The address given above is that taken from the application form. It is clear from the appeal documents and my site visit that the site relates to land adjacent to 123 Old Exeter Road (No 123), and does not include the dwelling there known as Sungates.

4. The Council's suggested list of conditions was submitted late. The appellants were therefore given an opportunity for additional comments in this regard.

Main Issue

5. The main issue is whether the site of the proposed development is a suitable location for dwellings having particular regard to accessibility for future residents to essential services.

Reasons

6. The appeal site is part of a grassed field set a little above Old Exeter Road, behind a hedge bank. There is a gated field access from the road and I saw two dilapidated field shelter/store buildings of modest scale situated adjacent to the front boundary. The site is positioned immediately adjacent to the garden at No 123, which is currently the last house in a row of dwellings along

this side of Old Exeter Road. Beyond the site to the rear there is a network of open fields. There are further open fields adjacent to the site, continuing up Old Exeter Road on this side. Another modest row of houses is situated on the opposite side of the road, commencing roughly opposite the site access. While there are various dwellings nearby, the overriding character of the locality is rural.

7. With this in mind, I am satisfied that the appeal site is not isolated in the context of paragraph 55 of the Framework, which sets out that new isolated homes should be avoided in the countryside, unless there are special circumstances. I note that the council has not sought to rely on paragraph 55 in its reason for refusal. It is not in dispute that the site lies outside the settlement limit of Tavistock and so constitutes countryside in policy terms. I note the appellants' view that the emerging JLP seeks to introduce criteria based policies instead of settlement boundaries, but this is a matter of limited weight at this time.

8. In the Braintree[1] case the High Court judge found that "isolated" should be given its ordinary objective meaning of, "far away from other places, buildings or people, remote". It was subsequently held at the Court of Appeal[2] that, "…in its particular context in paragraph 55 of the NPPF, the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement…". The Framework does not define settlement and neither is there any specific requirement to be within or close to a defined settlement policy boundary. To my mind, the location of the proposed dwellings in this case, being adjacent to one row of existing houses, roughly opposite another row of houses, and on the outskirts of the town of Tavistock, cannot be said to be physically remote from places, buildings or people.

9. However, it does not necessarily follow that a site that is not 'isolated' in the terms of paragraph 55 will be reasonably accessible to services when considered in the context of other requirements of the Framework. I am advised that the appeal site is around 580m from the centre of Tavistock, one of the main settlements in the borough, where there are various services available, including schools, supermarkets and bus services. While some services provided in the town would be more than 580m away, this distance would be a reasonable walking distance in general terms. I saw that Old Exeter Road runs downhill from the site towards the town. It has a fairly rural character in the section between the site and an old railway bridge that crosses it, being fairly narrow, with hedges and trees generally bordering it where there are no houses. There is no pedestrian footway in this section but there is some street lighting.

10. After the bridge the character changes to a more urban feel, but the road remains fairly narrow and does not benefit from a footway until significantly closer to the town centre. As my colleague in appeal decision Ref 3155377 noted, the road narrows significantly more in the vicinity of the bridge, leaving very limited space for pedestrians and vehicles to pass. Space is particularly constrained where the road passes under the bridge. There is nothing substantive before me to indicate that circumstances in this regard have significantly altered or improved since my colleague's decision in November

[1] *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017]*
[2] *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018]*

2016. Furthermore, the case in that appeal was similar to that before me, relating to a proposal for three new dwellings at a field only a little further up Old Exeter Road from the land adjacent to Sungates. I saw the previous appeal site from the road during my visit to the area. I consider that the two cases are comparable to a significant degree.

11. Moreover, I consider that there remains substantial potential for conflict between vehicles and pedestrians along this route in terms of convenience and safety, even though traffic speeds may generally be low due to the nature of the road. Notwithstanding the reasonably manageable distance involved, this would make walking an unattractive option for journeys into the town, including for parents with young children or pushchairs. Furthermore, the return journey would involve a significant and sustained uphill section. I have not been given evidence of this part of Old Exeter Road being served by buses as an alternative form of travel. While the road forms part of a cycle route and I accept that the town centre could be accessed in a short period of time by bicycle, this would be unlikely to form a realistic alternative for many journeys.

12. Therefore, while the appeal site is reasonably proximate to the town centre, its degree of accessibility to essential services by alternative modes is significantly limited. I am not persuaded that the circumstances of my colleague's case nearby on Old Exeter Road were materially different from the case before me, including in relation to the prevailing development plan context, and accordingly I consider his decision is material and carries significant weight in this case. I note the appellants' view that traffic speeds are limited by the nature of the road but, even if this is the case, it does not alter my concerns in relation to the generally unattractive nature of the route, particularly for walking.

13. The appellants have drawn my attention to a number of other appeal decisions, including several which set out, among other things, the Council's current inability to demonstrate a five year supply of housing land, and the effect of this on the weight to be given to development plan policies relevant to the supply of housing. This supply position is not contested by the Council and I return to this in my balance below. In particular, I note that appeal decision Ref 3180266 relates to a site elsewhere on the outskirts of Tavistock where there is a lack of footway provision in the vicinity of the site. However, in that case there were alternative routes available, including through a residential estate with lighting and footways to access bus stops on the A390. The Inspector therefore concluded in that case that there was a good range of options to access the town by alternative modes to the private car.

14. I also note that appeal Ref 3167179 related to a site around 700m from village services, including buses to Plymouth, and was found to be accessible in the context of the South Hams area. That scheme related to the provision of 65 houses and infrastructure provision, including a pedestrian link to the existing footway network. Having considered the content of the various appeals, I am not persuaded that any are as pertinent to the case before me as 3155377, or carry any significant weight in favour of the case before me in relation to the main issue. I also acknowledge the reports whereby the Council recommended approval of two applications in 2014. Again, while I note there are some similarities, these cases are less pertinent to the case before me and so carry limited weight here.

15. In light of the above, I conclude that the site of the proposed development is not a suitable location for dwellings having particular regard to accessibility for future residents to essential services. It would conflict with Policies SP1 and SP8 of the adopted West Devon Core Strategy 2011 (the CS), which respectively and among other things seek to link homes to jobs and services in accessible locations, promote opportunities for walking, cycling and public transport, and create socially inclusive communities. It would also conflict with saved Policy T5 of the West Devon Local Plan Review 2005, which seeks to ensure that development is provided in locations accessible to public transport. Furthermore, it would be inconsistent with the Framework, including paragraph 17 which includes a core principle of making the fullest possible use of public transport, walking and cycling, and paragraph 32 which among other things seeks safe and suitable access to the site for all people.

16. The Council's reason for refusal also refers to Policy SP24 of the CS. I have not been provided with a copy of the policy in this appeal and it therefore has not been determinative in my findings.

Planning Balance

17. There is no dispute in the evidence before me that the Council cannot demonstrate a five year housing land supply. Paragraph 49 of the Framework states that relevant policies for the supply of housing should therefore not be considered up-to-date. However, just because they are out of date does not mean that they no longer apply. The fourth bullet point of paragraph 14 of the Framework states that where relevant policies are out of date planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies of the Framework indicate development should be restricted. I have found that the proposed development would conflict with several development plan policies by reason of its location and limited accessibility to essential services.

18. The scheme would bring about a number of benefits, including the provision of two additional dwellings to the local stock and associated benefits to the local economy. The extent of the housing supply shortfall is unclear, although I note the appellants' opinion that it is considerable. However, the positive effects of two dwellings would anyway be modest. Nonetheless, I have afforded these benefits a little weight in favour of the appeal. The harm I have identified in respect of the location of the site would conflict with one of the Framework's core planning principles, and I afforded significant weight to this conflict. I note that the Council raised no significant objection in relation to various other matters, including neighbour amenity, and that there is no objection from the local highway authority. These factors are neutral in the overall balance. I have also considered the Council's list of suggested conditions, to which the appellants do not object. However, I am not satisfied that my concerns with the proposal would be made acceptable by the conditions, including those put to me.

19. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in this case, when considered against the Framework as a whole. The application of Paragraph 14 of the Framework, does not indicate that permission should be granted, and the proposal would not represent sustainable development. Therefore, in the circumstances of this appeal, the

material considerations before me do not justify making a decision other than in accordance with the development plan.

Conclusion

20. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR