The Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/K1128/W/19/3223954
Long Park Studio, Long Park, Horsecombe Cross to Balls Cross, Higher Batson, TQ8 8NG

- 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 & Mrs Keeler against the decision of South Hams District Council.
- The application Ref 2242/18/FUL, dated 5 July 2018, was refused by notice dated 10 September 2018.
- The development proposed is the change of use of the building known as "Long Park Studio" from ancillary accommodation into a separate residential dwelling with associated access, parking and residential curtilage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined, the Council has adopted the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan). The reason for refusal references the policies of the then emerging Local Plan as they were at that time and the appellant has been able to make an assessment of the scheme against these emerging policies in the appeal statement. The appellant has taken the opportunity in final comments to make further submissions in relation to the now adopted Local Plan and therefore no party has been prejudiced by the consideration of the appeal proposal against the policies of the Local Plan.

3. The Salcombe Neighbourhood Development Plan 2018-2034 (NP) has also advanced in the plan making process since the decision of the Council. The evidence indicates that the Examiner's report was published in April 2019 and the NP is scheduled for referendum. The NP, therefore, carries significant weight as it is at an advanced stage of preparation.

Main Issue

4. The main issue is whether the location of the development is supported by development plan policies in terms of access to local services and facilities, and if not, whether there are other material considerations that indicate a decision should be made otherwise.

Reasons

5. The building known as Long Park Studio is a reasonably substantial outbuilding within the grounds of the main dwelling. It has a well maintained appearance and consists mainly of a large dayroom with vaulted ceiling, and also includes two bedrooms, two bathrooms and utility area. The building, while within the grounds of the main dwelling, has its own vehicular access and is subject to a condition that its use shall remain ancillary to the main dwelling.

6. The site is located in a rural area accessed off minor roads generally without footways or street lighting. I have noted all the information submitted regarding the access to bus services, local facilities, public footpaths and cycle ways. However, having visited the site and examined the information, I am not satisfied that the access to the bus service appears frequent or convenient, local facilities appear somewhat distant to walk or cycle to on a regular basis, and walking or cycling to and from Salcombe would not, in my view, be an attractive proposition for many residents of this site because of the distance and terrain. In all likelihood, occupiers of the dwelling would be reliant on the private car for their day to day access to services and facilities.

7. I consider that the site should be considered isolated for planning purposes because of its rural location and separation from services and settlements. Policy TTV26 of the Local Plan sets out the criteria to assess development in the countryside and the proposal does not meet any of the exceptional circumstances for development in such locations.

8. The proposal would also not accord with Policy SALC H2 of the emerging NP and its approach to the location of housing which seeks to direct housing to allocated sites and on infill sites within the existing development boundary. The policy states that development of housing on land outside the settlement Boundary and within the Area of Outstanding Natural Beauty will not be supported.

9. The location of the dwelling would not be within a village but in the countryside so I am not satisfied that the proposal would receive appreciable support from the National Planning Policy Framework (the Framework) intention to locate rural housing where it will enhance or maintain the vitality of rural communities, given the need to use the car to access services. Also, because of the distance to services and facilities, the proposal would not meet the Framework objective to locate development where it would promote opportunities for walking, cycling and public transport, notwithstanding that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

10. The case is made that the proposal would involve the subdivision of an existing dwelling and thereby would comply with the circumstance in paragraph 79d of the Framework to permit an isolated home in the countryside. It is said that this Framework policy implicitly accepts the related traffic movements.

11. While I accept that the site can be considered isolated, the outbuilding is subject to a condition that it is used as ancillary accommodation. Consequently, the space serves the main dwelling in a subordinate or subsidiary capacity rather than being primary living accommodation in the same way as the main dwelling. Accordingly, I am not convinced that the use of the ancillary and

detached outbuilding as a separate dwelling would fall to be considered as the sub-division of a dwelling as anticipated by paragraph 79d.

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions shall be made in accordance with the development plan unless material considerations indicate otherwise. In this case, while the Local Plan does not explicitly mention the sub-division of dwellings, it is not silent on the circumstances that would allow the provision of a new dwelling in the countryside. Such circumstances are set out in Policy TTV26 of the Local Plan and the proposal does not accord with this policy. The proposal would also not meet with Policy DEV29 of the Local Plan which seeks to locate new homes in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.

13. The Local Plan was adopted in March 2019 and the evidence indicates that the Council can now demonstrate a Framework compliant supply of housing such that the presumption in favour of sustainable development, as set out in paragraph 11d of the Framework, is not engaged.

14. In terms of other material considerations, the proposal would fail the market housing policy of the emerging NP. I have also found that the proposal would not meet with the policy in the Framework in terms of locating development where it would be able to benefit from sustainable transport solutions. These are material considerations which reinforce the general approach of the Local Plan and matters that I afford significant weight.

15. Setting aside the locational aspects, there would be benefits with the provision of an additional dwelling, of a modest size, to the social and economic well-being of the area, in particular if, in any approval, the dwelling was subject to a condition that limited occupation to someone's principal residence.

16. The dwelling can be provided on previously developed land without any material conversion works and the garden area and access are already in place. Consequently, the proposal would reuse an existing building in a way that would not cause harm to the South Devon Area of Outstanding Natural Beauty, having regard to the great weight that should be given to conserving and enhancing the landscape and scenic beauty of the area. However, cumulatively these benefits would be limited because the scheme would provide only a single dwelling.

17. The existing ancillary accommodation may generate some vehicle movements in itself, nevertheless, in all likelihood, these movements would be lower than if the outbuilding was in use as a separate dwelling. I have no substantive evidence to indicate otherwise and, therefore, I attribute this matter limited weight in the overall analysis.

18. My attention has been drawn to the development of 44 dwellings at Bonfire Hill[1]. It seems to me that this site is closer to the built-up edge of Salcombe and would be likely to have better access to local services and facilities, thereby reducing the need for occupants to use the private car, than the appeal site. Consequently, on the information before me there appears to be material differences between the two sites, and I attribute the approval at Bonfire Hill limited weight in the considerations.

[1] Council reference 41/1915/13/F

Conclusion

19. In the light of the above analysis, I conclude the location of the development would not be supported by development plan policies in terms of access to local services and facilities. The proposal would conflict with Policies TTV26 and DEV29 of the Local Plan, Policy SALC H2 of the emerging NP and the Framework which seek, amongst other things, to locate development where it would promote sustainable transport choices and facilitate sustainable growth.

20. I am not convinced that the scheme would meet with the approach set out in paragraph 79d of the Framework. Even if I am wrong on this issue, the conflict with the policies of the development plan and other harm I have identified would not be outweighed by any support from paragraph 79d of the Framework and the limited weight which I have attributed to the benefits of the scheme.

21. Taking all these matters into account, the scheme would not accord with the development plan when considered as a whole and the evidence does not satisfy me that other material considerations indicate a departure from the development plan would be justified. Accordingly, I conclude the appeal should be dismissed.

David Wyborn

INSPECTOR