



---

## Appeal Decision

Site visit made on 8 July 2019

**by Mrs H Nicholls MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 July 2019**

---

**Appeal Ref: APP/J9497/W/19/3223644**

**22 The Square, Chagford TQ13 8AB**

- 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 New Home Construction Ltd against the decision of Dartmoor National Park Authority.
  - The application Ref 0484/18, dated 15 August 2018, was refused by notice dated 25 January 2019.
  - The development proposed is reinstatement from original two cottages, now one dwelling, back to two cottages.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the reinstatement from original two cottages, now one dwelling, back to two cottages at 22 The Square, Chagford, TQ13 8AB, in accordance with the terms of the application, Ref 18/0346/FUL, dated 15 August 2018, subject to the conditions below:
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  2. The development hereby permitted shall be carried out in accordance with the following approved drawings: site location plan and plan ref 1806-101.

### Main Issue

2. The main issue is whether the creation of an additional open market dwelling would be acceptable having regard to the relevant Development Plan policies.

### Reasons

3. The appeal property is within the centre of Chagford within Chagford Conservation Area. It is a mid-terraced cottage, just off the main square surrounded by a mixture of shops, cafes and other residential dwellings.
4. The Dartmoor National Park Authority Core Strategy Development Plan Document (June 2008) (Core Strategy) and the Dartmoor National Park Authority Development Management and Delivery Development Plan Document (July 2013) (DMD) together form the Development Plan for the area. Policies COR2 and COR15 of the Core Strategy steer new residential development on the basis of a hierarchy of Local Centres and Rural Settlements, chosen to ensure that development is located to reduce the need to travel, achieve accessibility to services and maintain the rural character of the area. Core Strategy Policy COR2 lists Chagford as one of the Local Centres where some development will be permitted to serve the needs of the settlement.

5. Core Strategy Policy COR15 indicates that the conversion/subdivision or other similar proposals in Local Centres will be required to provide not less than 50% affordable housing, although in exceptional circumstances this proportion may be varied to enable development of significant environmental or community benefit to proceed. DMD Policy DMD21 echoes the requirements of Policy COR15 but indicates that where a higher proportion of open market housing can be shown to be essential to secure the overall viability of development, a variation from the required minimum of 50% affordable housing may be acceptable.
6. The National Planning Policy Framework ('the Framework') sets out that generally, authorities should not seek affordable housing for developments of 10 or fewer units, but allows for a lower threshold of 5 units or less to apply in designated rural areas. The Authority has adopted the lower threshold set out in its Development Plan policies, i.e. for 50% of proposals of any scale.
7. The proposal would result in the net increase of one dwelling which is not intended to be affordable. The appellant has submitted a viability statement with the appeal documentation to indicate that the scheme would be financially unviable if the new dwelling were restricted to an affordable unit. The Council has not commented on the figures presented. From the evidence before me, taken at face value, the scheme would clearly make a loss if the net additional dwelling were an affordable unit. The figures presented and the nature of the works involved would appear to be proportionate and the outcome to reinstate what appears to have been two cottages back to their original form would be a logical outcome that would in itself secure two market properties of a lesser market value than the large dwelling that currently exists.
8. As such, whilst there would be some tension with Core Strategy Policy COR15 in that the proposal would not deliver *significant* environmental or community benefits (my emphasis), the proposal would nonetheless comply with the provisions of COR2 and DMD Policy DMD15 in so far as it would propose a dwelling in a Local Centre which relies on a higher proportion of open market housing in order to ensure its overall viability. The benefits of the scheme would be the delivery of an additional dwelling for the local housing stock in an accessible location, the future occupants of which would help to provide support for local facilities and services.

### **Other Matters**

9. Given the limited extent and sensitive nature of the external alterations proposed, the subdivision works would also preserve the character and the appearance of Chagford Conservation Area.

### **Conditions**

10. In addition to the statutory time limit, a condition requiring adherence to the submitted plans is necessary in the interests of certainty.
11. The Authority has suggested a condition removing the householder permitted development rights that would otherwise be conferred under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent order revoking or re-enacting that order. Such a condition should only be imposed in exceptional circumstances and there is insufficient justification for imposing such a condition in this particular case, particularly as

such rights would be limited by virtue of the site's location within a designated National Park.

**Conclusion**

12. For the above reasons, the appeal is allowed.

*Hollie Nicholls*

INSPECTOR