The Planning Inspectorate

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/19/3226004
Road from Southcombe Cross, to Lower Dunstone Cross, Widecombe-in-the-Moor, Newton Abbot TQ13 7TU

- 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 & Mrs Ian Bowman against the decision of Dartmoor National Park Authority.
- The application Ref 0439/18, dated 18 June 2018, was refused by notice dated 8 October 2018.
- The development proposed is part change of use of an agricultural field and access, erection of a dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal application was determined, the National Planning Policy Framework ('the Framework') has been updated. As the relevant policies have not significantly changed, I have taken the policies of the Framework published in February 2019 into account in the determination of the appeal. I do not consider that either party has been prejudiced by me doing so.

3. The appeal application was made in outline with access, landscaping and layout matters reserved for future consideration. During its initial consideration, the Authority also requested details of layout and landscaping as well. As such, in the context of the outline application, despite the limited access options available, I have treated the matter of access as illustrative.

Main Issues

4. The main issues are:

   - whether the appeal proposal would represent an acceptable location for a new dwelling, having regard to the Development Plan policies that seek to restrict residential development in order, amongst other things, to protect the countryside and ensure appropriate patterns of travel; and

   - the effect on the character and appearance of the wider area and whether the proposal would be of such exceptional design quality that it would qualify under paragraph 79(e) of the Framework.

Reasons

Location of new housing

5. The appeal site is located a short distance from Widecombe-in-the-Moor, in a rural setting forming part of Dartmoor National Park. There are no neighbouring dwellings adjoining the appeal site and the road connecting the appeal site to the amenities in the village is rural in character, without footways or streetlights.

6. The Dartmoor National Park Authority Core Strategy Development Plan Document (June 2008) (the 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 daily services by non-car modes and maintain the rural character of the area. In the open countryside away from the named settlements, new residential development is to be restricted to that serving the proven need of rural enterprises or through the appropriate conversion of existing buildings to meet identified needs for affordable housing.

7. Due to its location outside of any named settlement and given the rural position of the appeal site, the provision of a new unrestricted dwelling would clearly conflict with Policies COR2 and COR15 of the Core Strategy. Whilst the site may be within reasonable proximity of Widecombe-in-the-Moor which is a named settlement under Policy COR2, it is divorced from the settlement itself and given the nature and distance along the rural road that links it to the village, it would suggest future occupants would be reliant on private vehicles.

8. DMD Policy DMD23 specifies the circumstances in which new residential development may take place outside of Local Centres and Rural Settlements. It states that planning permission will only be granted for a dwelling where, (a) it is required for an agricultural holding, a forestry enterprise or rural-based business; or (b) the proposal comprises the conversion of an existing building to an affordable dwelling; or (c) is a low impact residential development.

9. The proposal is for a new dwelling on a site where there is only a modest stable building which is not intended to be converted. Despite some suggestion that the appellant has livestock that would continue to graze the appeal site, from the evidence, the appeal proposal does not appear to be linked to a rural business. DMD Policy DMD23 requires a clearly established existing functional need for a worker to be readily available at most times and for the rural-based business to be currently financially sound with a clear prospect of remaining so. It also requires evidence that the need for permanent accommodation cannot be met by another suitable and available dwelling on the holding or within the locality. No such evidence has been submitted in this regard and as such, I am not persuaded that there is a proven need that would accord with this Policy.

10. In relation to the main issue, the proposal would not represent an acceptable location for a new dwelling and would therefore conflict with, in particular, Policies COR2 and COR15 of the Core Strategy and Policy DMD23 of the DMD, which, amongst other things, seek to ensure that outside Local Centres and Rural Settlements, housing development will be restricted to that serving the

proven needs of agriculture, forestry and other essential rural businesses, and where there is a clearly established existing functional need for a worker to be readily available at most times.

Character and appearance

11. The appeal site is a sloping field used for pasture with a small stable building at its lowest point to the east. It is surrounded by Devon bank hedgerows with trees but has a gated access set back from the rural road from which views are available into the site. The site is also visible in more distant views from the ridge along Pil Tor and also from the road to Widecombe-in-the-Moor from Top Tor. In these views, it forms one of a number of fields which formed a medieval field system which have undergone limited change.

12. The appeal proposal proposes a largely subterranean dwelling built into the sloping landscape. It would have a single elevation with window openings and both tiers of the roof would be covered with grass to assimilate with the remainder of the field. Insofar as the landscaping details indicate, there would be a hardsurfaced area immediately adjacent to its ground floor windows to allow access to its integral carport. The modest elevation of the dwelling would incorporate glazing and local aggregate.

13. The appellant indicates that the outline form of the application should have been taken to mean that the details of fenestration were to be treated as indicative. However, approval was sought for the 'appearance' and 'scale' in the original appeal application form and the Authority requisitioned further detail on the other matters to enable a full consideration of the proposal. As such, I have considered the plans as submitted.

14. Paragraph 79(e) of the Framework sets out that isolated homes in the countryside should be avoided unless the design if of exceptional quality in that it "*is truly outstanding or innovative, reflecting the highest standards in architecture, … and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*."

15. The case is made out in the appellant's Design and Access Statement that the design is of an exceptional quality although not intended to be a 'grand' dwelling, rather, it would be a simple and concealed 'earth sheltered' home, as a modern day interpretation of a Dartmoor roundhouse.

16. The proposed dwelling would have an interesting design and would make the fullest use of the landform to minimise its impact on the rural character of the wider landscape. Despite this, there would be some aspects that would have an urbanising impact on the landscape, including the visibility of the elevation and the lighting of windows at night-time from the more distant views. The deliberate alteration of the landform to accommodate the dwelling and the minor landscaping elements, including the area of hardsurfacing, the parking of vehicles and other associated domestication would also be visible from the adjoining rural road. Whilst it is indicated that there would not be a garden to serve the dwelling and that the rooftops would continue to be grazed by livestock, this in itself may necessitate additional fencing to maintain the safety of livestock that is not shown on the plans. Otherwise, the absence of a garden for sitting out or simply somewhere to have a washing line may raise issues with the adequacy of the living environment created for future occupants.

17. There are claims that the proposal is not similar to the 'Manaton' example cited by the Authority but would rather be more alike the 'Underhill' example from the Peak District National Park which has been listed for its design interest as an earth sheltered design respectful to its location. I acknowledge that the fundamental aim of the proposal's design is to make fullest use of the landform to enable it to recess into its landscape context. It would have a far smaller exposed elevation when compared to Manaton but would still result in a degree of change on the rural characteristics of the site. As such, whilst an earth sheltered design may be discreet, it is not considered to be so innovative or so closely aligned with the concept of a Bronze Age Dartmoor roundhouse as to qualify under paragraph 79(e) of the Framework.

18. As such, the proposal would have a harmful effect on the rural character of the surrounding landscape which is a designated National Park. This would conflict with, in particular, Policies, COR3 and COR4 of the Core Strategy and Policies DMD1b, and DMD5 of the DMD which seek to ensure the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park and that the location, site layout and scale of new development conserves the locally distinctive landscape character.

19. For similar reasons, the proposal would not be of such exceptional design quality that it would qualify under paragraph 79(e) of the Framework.

Other Matters

20. I note that there was support for the proposal from the Parish Council and other interested parties. I also note that the dwelling would have energy and water efficiency measures which are also positive features of the proposal.

21. I note that the proposal would result in the provision of a dwelling which would add to the housing stock and create economic benefits during construction and following occupation. However, the benefits from one dwelling would, by extension, be modest and I therefore attribute them limited weight.

Conclusion

22. The development would conflict with the Development Plan and the Framework when considered in the round. There are no material considerations that alone or in combination outweigh the identified harm and associated Development Plan conflict.

23. For the reasons given above, I conclude that the appeal is dismissed.

Hollie Nicholls

INSPECTOR