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## Appeal Decision

Site visit made on 13 September 2019

**by Christopher Miell MPlan MRTPI**

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

**Decision date: 14<sup>th</sup> October 2019**

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**Appeal Ref: APP/Q1153/W/19/3224643**

**Land at Sampford Chapple, Okehampton, Devon**

**Grid Ref Easting: 262485, Grid Ref Northing: 101138**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Mr Anthony Morris against the decision of West Devon Borough Council.
  - The application Ref 2694/18/PIP, dated 10 August 2018, was refused by notice dated 14 September 2018.
  - The development proposed is the proposed use of land for housing development.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. As explained in the Planning Practice Guidance (the Guidance), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a minimum of one and a maximum of three dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the Guidance.
4. It has been brought to my attention that the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) was adopted on 26 March 2019. The JLP replaces the West Devon Borough Council Local Plan Review 2005 (as amended 2011) and the West Devon Borough Council Core Strategy (2011). It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.
5. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.

## Main Issues

6. The main issues are: (i) whether the proposed development would provide a suitable and accessible location for housing; and (ii) the effect of the proposal on the character and appearance of the area.

## Background

7. When the original application was determined the Council acknowledged that they could not demonstrate a five-year supply of deliverable housing sites. However, following the adoption of the JLP, the Council state that they are now able to demonstrate a five-year supply of deliverable housing sites. The Council's current housing land supply position has not been disputed by the appellant. Consequently, the presumption in favour of sustainable development contained in paragraph 11(d) of the Framework is not engaged.

## Reasons

### *Location of development*

8. The appeal site is an undeveloped parcel of agricultural land located within the hamlet of Sampford Chapple. The site boundaries are marked by a mature hedgerow and the topography of the appeal site rises gently upwards from the roadside. The appeal site is situated between existing housing development to the east and west. The A3072 road adjoins the site to the south and provides access to the appeal site. The high hedges, trees and fragmented pattern of generally modest and well-proportioned properties located along the A3072, with agricultural land beyond, gives the immediate area an intrinsically rural character.
9. Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy supports development which accords with the Council's settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside.
10. Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Village's and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. However, Smaller Villages and Hamlets are not identified as part of the Policy TTV1.
11. The settlement of Sampford Chapple is not identified as a 'Main Town', 'Smaller Town', 'Key Village' or 'Sustainable Village' within the Council's Thriving Towns and Villages Policy Area. Consequently, for the purposes of Policy TTV1 of the JLP, the appeal site is located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside.
12. In respect of development within the Smaller Villages, Hamlets and the Countryside, Policy TTV1 (4) states that '*development will be permitted only if can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27*'.
13. Policies TTV26 and TTV27 of the JLP relate, respectively, to the development in the countryside and meeting local housing needs in rural areas, such as

affordable housing for local people. In this instance, the proposal relates to a residential development of open market dwellings within an existing hamlet and thus Policies TTV26 and TTV27 of the JLP are not relevant to the determination of this appeal.

14. Policy STP1 of the JLP relates to the delivery of sustainable development over the Plan period and sets out how development and change will be managed in accordance with the Council's overarching principles in relation to the delivery of a sustainable economy, sustainable society and sustainable environment. Policy STP2 of the JLP details a number of principles of sustainable linked neighbourhoods and sustainable rural communities.
15. The appellant argues that by virtue of the site's proximity to the services within the neighbouring settlement of Sampford Courtenay, which is identified as a 'Sustainable Village' by Policy TTV1 of the JLP, it is thus a suitable location for residential development, which would contribute to the rural area's economy and social vitality. The appellant contends that the occupiers of the proposed dwellings would be able to walk to the services and facilities at Sampford Courtenay via a rural lane, known as Chapple Lane, which is about 650 metres long, located to the north east of the appeal site and links the two settlements.
16. In addition to the above, the appellant states that the occupiers of the proposed dwellings would have access to a range of sustainable transport options, which link Sampford Chapple to other settlements where services and facilities are available. Namely, a bus service on the A3072 and an identified cycle route, which could be used to cycle to the settlement of Okehampton.
17. On my site visit, I noted that Chapple Lane was a single width rural lane which had no pavements and no street lighting. Given the distance between the site and Sampford Courtenay and the aforementioned road conditions, the use of the rural lane by the occupiers of the proposed dwellings, especially during the winter months where daylight hours are limited, to walk to the local services and facilities at Sampford Courtenay would not be an attractive alternative to the use of the private motor vehicle for most journeys.
18. Whilst I acknowledge the bus stops would be a short walk from the appeal site, from the evidence before me, which includes my site observations, the services available appeared to be limited and would not provide a suitable means to commute to and from work on a daily basis. Consequently, the limitations of the bus services are such that they would not provide an attractive alternative to the use of the private motor vehicle for most journeys.
19. In terms of the option of cycling to Okehampton, given the distances involved, which is about eight kilometres in each direction for a round trip, cycling, particularly in the dark predominately along unlit rural roads, would not be a safe or convenient alternative to the private motor vehicle for most journeys.
20. Given the above, the occupiers of the proposed dwellings would not have reasonable access to a vibrant mixed-use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and hence the proposal would conflict with Principle No.2 of Policy SPT2 of the JLP. In addition, the proposal would not be well served by public transport, walking and cycling opportunities and would therefore conflict with Principle No.6 of Policy SPT2 of the JLP.

21. In conclusion, the proposal would not accord with Policy TTV1(4) of the JLP, which requires residential development located within the fourth tier of the Council's settlement hierarchy to support the principles of sustainable development and sustainable communities in accordance with Policies SPT1 and SPT2 of the JLP.

*Character and appearance*

22. The undeveloped nature of the appeal site contributes positively to the intrinsically rural character of the surrounding area. In addition, the absence of built form, reinforces the fragmented pattern of development of Sampford Chapple, which contributes to the local distinctiveness of the settlement.
23. Whilst I acknowledge that this is a permission in principle application, where the technical details are to be agreed at a later stage, the proposal would nonetheless introduce built form onto an elevated site, which would appear prominent within the rural landscape when viewed from the roadside. In addition, it would result in the loss of an open gap between the built development either side of the appeal site, which would detract from the more sporadic and fragmented pattern of development on the northern side of the road. In principle, I therefore consider the introduction of residential development on the site would cause significant and demonstrable harm to the character and appearance of the area.
24. For the collective reasons above, I conclude that the proposal would not accord with Policy DEV23 of the JLP which, amongst other things, requires development to avoid significant and adverse landscape or visual impacts.

**Other Matters**

25. The site is located approximately 50 metres to the west of a pair of Grade II listed dwellings, known as No 2 Dartmoor View and Belstone Cottage, No 1 Dartmoor View.
26. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
27. In determining the application, the Council concluded that the proposal would preserve the setting of the aforementioned listed buildings. Based on my site visit, which also included a consideration of the separation distance between the site and the listed buildings and the amount of proposed development, I have no reason to disagree with the Council in respect of this matter. However, this is a matter of neutral consequence in the overall planning balance.
28. The appellant contends that the proposal would contribute to the Council's target of delivering 20 additional dwellings within Sampford Courtenay, as set out within the JLP. However, the appeal site is not within or directly adjacent to the village of Sampford Courtenay and therefore the proposal would not accord with the housing strategy for this settlement.
29. The proposal would make some contribution to the vitality and viability of the facilities and services in the neighbouring settlement of Sampford Courtenay. However, any social or economic benefits associated with the erection of a

maximum of three dwellings would be modest. Such benefits would not be significant enough to alter or outweigh my conclusions on the main issues.

30. I note that the Parish Council support the proposal. However, neither this nor the other matters raised outweigh or alter my conclusions on the main issues.

**Conclusion**

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

*Christopher Miell*

INSPECTOR