



Appeal Decision

Site visit made on 20 December 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/P1133/W/19/3235712

3 Buckland Barton Cottages, Road past Buckland Barton House, Newton Abbot TQ12 4SA

- 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 Nicholas Cleasby against the decision of Teignbridge District Council.
 - The application Ref 19/01042/FUL, dated 14 May 2019, was refused by notice dated 2 August 2019.
 - The development proposed is the erection of a residential dwelling to replace the existing buildings within the residential curtilage of 3 Buckland Barton Cottages.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The description of the development on the application form, and the commentary in the accompanying Design and Access Statement, explains that the proposed building would replace the cluster of buildings within the residential curtilage of 3 Buckland Barton Cottages. On this basis, the submitted proposal is for an additional dwelling, albeit replacing the existing outbuildings.
3. During the processing of the application, the appellant had discussions with the Council. This was on the basis of an offer that the proposed dwelling could be considered as a replacement for 3 Buckland Barton Cottages which would be demolished, or, if the existing dwelling was to be retained, the existing dwelling could become an affordable dwelling. Consequently, it has been argued that the proposal would then, notwithstanding the original planning submissions in support of the scheme, meet the requirements of Policy S22 of the Teignbridge Local Plan 2013-2033 (adopted May 2014) (the Local Plan). However, the application was not formally amended in either respect.
4. While these matters have again been raised at the appeal stage, a replacement dwelling is not the submitted proposal before me. Indeed, I have no details of how the demolition of the original dwelling would be undertaken especially in the case where the building is partly attached to another residential property and I am not satisfied that this neighbour has been formally consulted on such a proposal. Also, in terms of the original dwelling becoming an affordable unit of accommodation, again this is not the submitted proposal, and there is no legal agreement or other mechanism before me to secure such occupation. In

all these circumstances, I intend, as the Council did, to determine the application based on the description of the development.

5. In the light of the above, the main issue is whether the development plan would support the principle of a dwelling in this location.

Reasons

6. The site consists of the rear curtilage area of 3 Buckland Barton Cottages. It is mainly laid to grass with a range of outbuildings, parking areas and storage. This part of the land is raised up from the sunken lane and has a separate vehicular access. While there is a group of dwellings to the broadly south-east of the proposed dwelling, including No 3, and other dwellings and buildings in the vicinity, the wider area is predominantly rolling countryside with open fields laid to pasture, hedgerows and areas of copses of trees and woodland. The site, therefore, falls within an open countryside location outside the defined settlement limits of Newton Abbot.
7. In such a location, Policy S22 of the Local Plan sets out the development plan approach for the consideration of development proposals. Looking at the criteria, and taking into account the comments above, the proposal would not accord with any of the categories of development that would allow the proposed additional open market dwelling in open countryside.
8. While it is noted that a range of non-residential outbuildings would be replaced by the dwelling, this type of proposal would not fall within one of the criteria to allow for the provision of a new dwelling as set out in Policy S22 of the Local Plan. The outbuildings are reasonably inconspicuous in wider landscape views. The proposed dwelling would be of an acceptable design and would also have a satisfactory landscape impact. In my judgement, while I have had regard to the appellant's Visual Impact Assessment, there would not be any material visual improvement to the wider appearance of the site resulting from the scheme, within this part of the Area of Great Landscape Value, that would provide a justification for the proposal.
9. The site can be considered previously developed land because it is garden land not within a built up area, nevertheless, this does not mean that the proposal would be compliant with the approach to the location of a new open market dwelling as set out in the development plan.
10. The case is made that the site is in a sustainable location. The site would be located in reasonable proximity to the built-up area of Newton Abbot, its new housing, and its public transport and services. I have taken into account the evidence on the position of bus stops and related bus routes. Nevertheless, it would be necessary to walk along a fairly narrow country lane, with no footway and street lighting, to access the edge of the settlement area. In these circumstances, in all likelihood, most occupants of the proposed dwelling, for a reasonable number of day-to-day journeys, would be dependent on the private vehicle to access services and facilities. In this way, the location would not accord with the strategy for the location of residential development as detailed in the Local Plan.
11. The provision of a further dwelling would provide a small boost to housing land supply in this area and there would be social and economic benefits during construction and in subsequent occupation. The dwelling would use natural

materials with a vernacular design, would be well insulated and would provide energy efficient self-build accommodation. It should be possible to increase biodiversity on the site as part of the scheme. However, these benefits would be minor as only a single dwelling would be provided and I afford them limited weight in the overall considerations.

12. Having regard to the above, I conclude that the development plan would not support the principle of a dwelling in this location and, in particular, the proposal would conflict with Policy S22 of the Local Plan which seeks, amongst other things, to strictly manage development in the open countryside.

Conclusion

13. For the reasons given above, the scheme would not comply with the development plan when considered as a whole and there are no material considerations that outweigh the development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR