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## Appeal Decision

Site visit made on 18 February 2020

**by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

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

**Decision date: 27 February 2020**

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**Appeal Ref: APP/Q1153/W/19/3241325**

**Lobhill Cottage, Lewdown, Okehampton EX20 4DS**

- 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 R Metherell against the decision of West Devon Borough Council.
  - The application Ref 0994/19/OPA, dated 25 March 2019, was refused by notice dated 30 August 2019.
  - The development proposed is an outline application with all matters reserved for proposed erection of dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The original application was made in outline with all matters reserved. I have determined the appeal on this basis.

### Main Issue

3. The main issue is whether the proposal is in a suitable location for housing, with particular reference to the accessibility of services and to the reliance on motor vehicles.

### Reasons

4. Policy TTV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan) provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The appeal site is located outside of Lewdown and therefore outside of the Main Towns, Smaller Towns and Key Villages and Sustainable Villages as detailed in the supporting text of this policy.
5. The appeal site therefore relates to the section regarding Smaller Villages, Hamlets and the Countryside within criterion 4 of Policy TTV1 of the Local Plan. Criterion 4 of Policy TTV1 of the Local Plan provides that development will be permitted in such locations only if it can be demonstrated that it supports the principles of sustainable development and sustainable communities in accordance with Policies SPT1 and SPT2 of the Local Plan.
6. Policy SPT1 identifies a range of principles of sustainable development. SPT2 details a number of principles of sustainable linked neighbourhoods and

sustainable rural communities. This policy amongst other matters, requires development to support the creation of neighbourhoods and communities which 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.

7. The appeal site comprises land adjacent to Lobhill Cottage and is located away from the main road which connects Lewdown to Bridestowe. Lobhill Cross is a very small loose collection of buildings which contains no services or facilities. As such, I conclude that Lobhill Cross does not constitute a settlement. The site lies approximately one mile east from the settlement of Lewdown, and in an area of open countryside characterised by sporadic residential development and agricultural holdings.
8. Lewdown contains a post office and other limited services and facilities. Access to Lewdown from the appeal site is via the main road, which provides a pedestrian footway adjacent to the highway. Due to the gradient and distance between the site and the services available within Lewdown, in my view, the nearest facilities are not within a convenient walking distance of the proposed dwelling. Whilst I acknowledge the Appellant's submissions that a bus service passes along the nearby main road between Lewdown and Bridestowe, I have no information as to the frequency of the services available.
9. In light of the above, I find it likely that future occupiers of the proposed dwelling would be heavily reliant on private motor vehicles in order to access even basic services, such as a village shop. Whilst dependence on private vehicles may be expected in a rural location such as this, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would cause environmental harm as a result of increased car journeys and hence carbon emissions.
10. Furthermore, the availability of online food shopping deliveries would be unlikely to provide sufficient mitigation for the poor level of accessibility to a wider range of services which are likely to be required on a day to day basis and, in any event, there is no certainty that future residents would shop online in favour of shopping in-store.
11. For the above reasons, I do not consider that the proposed development would have reasonable access to a vibrant mixed use centre which may be required on a day to day basis such as shops and schools, as per criterion 1 of Policy SPT2 of the Local Plan. Furthermore, and in the absence of any substantive evidence concerning the frequency of bus services that pass through Lobhill Cross, it cannot be said that the proposed development would be well served by public transport. In light of these matters, the appeal scheme would therefore conflict with policy TTV1 of the Local Plan as it has not been adequately demonstrated that it would support the principles of sustainable development and sustainable communities in accordance with Policies SPT1 and SPT2 of the Local Plan.
12. As noted above, the appeal site is outside of any settlement and in the countryside for planning purposes. Policy TTV26 of the Local Plan concerns development within the countryside and provides that isolated development within the countryside will only be permitted under certain circumstances, such as where there is re-use of a redundant building or where accommodation is required for rural workers. Whilst I accept that the appeal site is situated close

to a loose collection of other dwellings so that it is not far away from other buildings or people, it is some distance from the nearest settlement. I therefore consider that in this regard it can be described as isolated. The appeal scheme is for a private dwelling and would not accord with any of the forms of development provided for under criterion 1 of Policy TTV26 of the Local Plan and, consequently, the proposal would conflict with Policy TTV26 of the Local Plan.

13. Policy TTV27 of the Local Plan provides that in meeting local housing needs in rural areas, exceptions will be provided where development proposals would meet local affordable housing needs. In this instance the scheme does not provide for affordable housing and, consequently, the appeal scheme would not accord with this policy.
14. It has been further put to me by the Council that, in addition to the above cited policies of the Local Plan, the proposal would also conflict with Policy DEV33 of the Local Plan. However, the introduction text to this policy makes it clear that requirements of this policy relates to "renewable energy development". In this instance, the appeal proposal does not appear to be a "renewable energy development" and therefore the provisions of this policy do not apply to the appeal scheme.
15. The appeal site is located within the countryside for planning purposes and is situated some distance from any meaningful services and facilities that may be required on a day to day basis. The proposal would not accord with any of the exceptions for development within the countryside as provided for within the Local Plan. For these reasons, the appeal scheme would therefore conflict with Policies SPT1, SPT2, TTV1, TTV26 and TTV27 of the Local Plan.
16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
17. The Appellant has put it to me that the proposed development would be required in order to provide ongoing care to his parents who reside at the adjacent Lobhill Cottage. Whilst I sympathise with the Appellant's desire to be located close to his parents, in my experience granting planning permission solely on grounds of personal circumstances will rarely be justified in the case of permission for the erection of a permanent building. It is likely that if the appeal were allowed that the development would be significantly longer lasting than the personal circumstances used to justify it. Furthermore, there is no substantive evidence before me which confirms that there are no suitable existing properties within the surrounding area that could be used to accommodate the Appellant, and which would be close enough to his parents in order to provide close by support and care.
18. Weighing in favour of the appeal scheme, I acknowledge that the proposal would provide some limited social benefits in terms of an additional unit towards housing supply. The appeal scheme would also provide some limited economic benefits in terms of employment opportunities during the construction phase. The National Planning Policy Framework recognises that new housing can contribute to the vitality of rural communities by helping to support local services and, as such, I accept that an additional household at the appeal site could play a small part in supporting the viability of the services located within Lewdown and within the wider surrounding area.

19. However, the sustainability of the proposed development cannot be assessed against these criteria alone. In this regard, I have concluded that the appeal site would be located in the countryside where no justification for such housing has been provided and that occupants of the proposed dwelling would be likely to be heavily reliant on private motor vehicles in order to access basic services and facilities. This would be in conflict with the environmental dimension of sustainable development.
20. In summary of the above, the proposal's conflict with the development plan when taken as a whole, weighs significantly against the appeal scheme. For the reasons given, I conclude that the potential benefits described above, either singularly or in combination, would attract only very limited weight by reason of the scale of the proposal and, consequently, would not outweigh the harm identified in relation to the development plan conflict.

### **Conclusions**

21. For the reasons given above, the scheme conflicts with the development plan when considered as a whole and there are no material considerations to outweigh the identified harm and subsequent development plan conflict in relation to the suitability of the location of the appeal site. I therefore conclude that the appeal should be dismissed.

*A Spencer-Peet*

INSPECTOR