



Appeal Decision

Site visit made on 10 February 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2020.

Appeal Ref: APP/Q1153/W/19/3241113

**Broad Parks Farm, Road from Moor View to De Bathe Cross, North Tawton
EX20 2BA**

- 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 & Mrs Arthur & Mary Cleave against the decision of West Devon Borough Council.
 - The application Ref 2446/19/FUL, dated 24 July 2019, was refused by notice dated 28 October 2019.
 - The development proposed is new dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The examination report into the emerging North Tawton Neighbourhood Plan (eNP) was published on 8 December 2019. The examiner's report has been recently agreed and the Plan is expected to proceed to referendum in due course, although no date has yet been set. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that regard should be given to post-examination draft neighbourhood development plans, so far as material to the proposal. I return to this matter later in my decision.

Main Issue

3. The main issue is whether the proposal accords with the provisions of the relevant planning policies in respect of locating new housing.

Reasons

4. The Plymouth and South West Devon Joint Local Plan (JLP) was adopted in March 2019. Policies SPT1, SPT2 and SPT3 relate to the delivery of sustainable development and underpin other JLP policies including TTV1. Policy TTV1 of the JLP sets out the strategy for locating new homes and jobs based on a hierarchy of settlements ranging in size from the main towns to smaller villages, hamlets and the countryside. In the smallest villages, hamlets and in the countryside, development is only permissible where it can be demonstrated to support the principles of sustainable development.
5. North Tawton is identified in the supporting text to Policy TTV1 as one of the 'Smaller Towns' within the plan area which is considered suitable to accommodate modest growth over the plan period. Policy TTV2 requires that housing development in the Plan Area is located where it will enhance or maintain the vitality of rural communities. However, the JLP does not define

- any settlement boundaries for the purposes of either policy and the supporting text to Policy TTV1 states that development '*outside built up areas*' will be considered in the context of JLP Policy TTV26.
6. The eNP seeks to allocate a range of sites for housing and also seeks to introduce a settlement boundary for North Tawton. The housing sites to be allocated are shown within the settlement boundary in Map 1.6. The settlement boundary and the closest point of allocated Site 3 (Land South of Strawberry Fields) would be approximately 70 metres to the north of the appeal site.
 7. However, whilst the eNP seeks to allocate housing sites and details some parameters that will apply to new developments, particularly within the allocated sites, the eNP is silent in respect of how proposals should be considered in the context of the defined settlement boundary. The examiner's report into the eNP does not propose any modifications to the extent of the settlement boundary or suggest any policy changes to clarify its purpose.
 8. Therefore, whilst I may attribute substantial weight to the eNP, I can only do so in relation to the distinction drawn by the definition of the settlement boundary. In terms of how development outside of the settlement boundary should be treated, I must rely on the policies of the adopted JLP.
 9. The site lies on the eastern side of the A3124 which is currently separated from existing housing by two agricultural fields which slope into a shallow valley. On the other side of the A3124, development extends modestly beyond the junction of the driveway of Broad Parks Farm. Although the appeal site is located between the farmhouse at 'Broad Parks Farm' and 'Little Roke', it is not viewed as forming a logical part of the existing settlement.
 10. The A3124 is a busy main route into the town which only changes to a 30mph restricted area at the point of access to the appeal site. There is a lit footway on the western side of the A3124 which offers pedestrian connectivity to the town for existing development on that side of the road. However, there is no crossing point over the busy A3124 from the shared driveway to the appeal site and no lighting along the driveway itself.
 11. The lack of connectivity of the eastern side of the A3124 may be remedied in future by eNP Policy HO1 and allocated Site 3 which, along with the new dwellings, seeks provision of a cycle and footway and bus stop. However, these elements will be likely to be a great distance from the appeal site and there is limited certainty about their delivery in any event. For these reasons and in light of the exclusion of the appeal site from the eNP settlement boundary, I conclude that the site falls outside of the built up area of North Tawton for the purposes of JLP Policy TTV1.
 12. JLP Policy TTV26 includes part 1 that seeks to restrict 'isolated' development within the countryside unless there are exceptional circumstances, such as provision for dwellings for rural workers (i), securing the future of a significant heritage asset (ii), reusing redundant buildings (iii) or involving development of a truly outstanding or innovative design or quality (iv). Part 2 follows from part 1 and sets out the criteria which should be applied to isolated developments. The proposal does not fit the criteria of any of the exempted developments under JLP Policy TTV26.

13. The supporting text to JLP Policy TTV26 details the form of development that the policy seeks to restrict: *'the delivery of new homes that are distant from existing services and amenities do not represent a sustainable solution to the need for new homes in rural areas. The policy therefore provides criteria that need to be met before a development proposal can be supported in the countryside'*. This supporting text is relevant to the policy's interpretation.
14. I have concluded that the site falls outside of the built up area of North Tawton and is separated by intervening undeveloped agricultural land, a proportion of which is intended to remain undeveloped for the duration of the eNP plan period. The combination of the distance to the urban form on the eastern side of the A3124 and the limited connectivity to the town centre, indicates that the proposal should be considered 'isolated' in the context of JLP Policy TTV26.
15. Drawing this main issue together, given the current poor connectivity of the appeal site to the town, it is not located in an area where new unrestricted development is supportable and it therefore conflicts with JLP Policies STP1, STP2, TTV1, TTV2 and TTV26.
16. The appellant has drawn my attention to another appeal in which the issue of isolation was considered against JLP Policy TTV26. Whilst the limited information provided in that regard leads me to agree that that site was more distant from everyday facilities than the current appeal site, that does not alter my findings in respect of the main issue in this case and each case should be considered on its own merits.

Other Matters

17. Whilst the proposal would not be visually discreet as contended by the appellant, due to its siting between existing housing, it would not unduly harm the character and appearance of the area. Nor would any design amendments be required to protect the living conditions of future or neighbouring occupiers. These are neutral factors in the overall balance.
18. I note that there were no objections from neighbouring residents or consultees. I also note that the Parish Council supported the proposal on the basis of its very specific and unique circumstances. Other than the intention to allow the host farm to be sold on to a younger family, limited other information of this nature has been submitted for my consideration. Furthermore, whilst the dwelling may be intended as a new home for the appellants, it is not claimed that it would technically qualify as a self-build scheme of the type supported by Policy HO7 of the eNP. As such, this aspect does not draw any further weight in support of the proposal.

Planning balance and conclusion

19. The proposal would result in the provision of one additional dwelling to the local housing stock with resultant social and economic benefits to the local area. However, these benefits considered in addition to the other matters outlined above, do not outweigh my findings in respect of the main issue.
20. For the reasons outlined above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR