

Appeal Decision

Site visit made on 28 July 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/P1133/W/20/3252891

Site adjacent and in the field of Minacre House, North Whilborough, TQ12 5LR

- 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 William Pike against the decision of Teignbridge District Council.
 - The application Ref 19/01909/FUL, dated 30 September 2019, was refused by notice dated 19 December 2019.
 - The development proposed is a 4 bedroom detached dwelling with double garage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans provided. Throughout the documentation provided the site address differs between the main parties. Therefore, in the banner heading above, I have used the site address given in the appellant's planning application, albeit the site is adjacent to a building called Queen Ann's Cottage.

Main Issue

3. The main issue is the suitability of the location for the proposed dwelling, with particular regard to local and national policy.

Reasons

4. The appeal site is within a field adjacent to a residential dwelling, which sits at the edge of the small hamlet of North Whilborough. The proposed development would introduce a detached house and associated separate double garage to the field. No other development has taken place on this side of the road which leads out of the hamlet, instead fields open on to the surrounding, attractive, rolling countryside.
5. The hamlet is not defined as a village identified in the Teignbridge Local Plan 2013 – 2033, adopted 2014, (LP) as being appropriate for limited development and it sits outside of any defined settlement limit in the LP. Therefore, notwithstanding that the site is described by the County Council as 'forming part of an existing group of dwellings', adjacent to one building and opposite others, it as with the rest of the hamlet, is defined as being open countryside in the LP.

6. Paragraph 2 the Framework states 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹'. Furthermore, I am of the view that Policy S22 of the LP is consistent with Paragraph 77-79 of the National Planning Policy Framework, 2019 (the Framework).
7. Policy S22 seeks to manage development in the open countryside and details the circumstances that should be demonstrated for its need. This is intended to protect the local landscape and encourage sustainable development. The circumstances which may warrant development in open countryside include but are not limited to; limiting affordable homes to local needs, replacement dwellings, travelling show people plots, Gypsy and Traveller pitches, and dwellings for agricultural, forestry and other necessary rural workers. Such circumstances are well established and consistent with the Framework.
8. I have no substantive evidence to demonstrate how the appellant's occupation or long term residency in the hamlet would meet the criteria set out above. The appellant has stated that the proposed dwelling could be made to be affordable, however no further detail has been provided and the needs of the appellant for an affordable dwelling have not been evidenced. Similarly, no detail regarding a shortfall in overall affordable housing supply has been provided.
9. Notwithstanding the appellant's view that the hamlet is suburban, in part due to the nature of traffic in the area, for the reasons above my view is that considering the proposed development with regard to Policy S22 is wholly appropriate. Although the plot is understood to have not been used for some time, is in close proximity to other dwellings and has an access on to public highway, it sits in a field, on the edge of the hamlet, entirely rural in nature, outside of any defined settlement limit in the countryside.
10. Several examples of perceived precedent, including nearby new build, have been provided by the appellant. However, I have not been given further detail of their acceptance and I must consider the appeal on its own merits and against extant planning policy.
11. The appellant contends that the policy in place means that development cannot occur in the hamlet and that it cannot evolve, adversely affecting vitality. I am satisfied that the policy remains consistent with the Framework, allowing various exceptions to enable sustainable settlements. Development in the countryside can occur where it meets necessary criteria, which this proposal has not been evidenced to do.
12. For the reasoning above, the proposed development would not accord with Policy S22 of the Teignbridge Council Local Plan 2013 – 2033, adopted 2014, which amongst other things seeks to ensure development in the countryside is managed to provide sustainable settlements.
13. The proposed development would not accord with the Framework when read as a whole, which seeks to encourage sustainable development in appropriate locations, in rural areas reflecting local needs.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

14. The appellant has stated that the policies of the Council are discriminatory to him as a resident who has established family links with the village. I have no reason to consider the approach of the Council, which broadly reflects that of the Framework, to be discriminatory on the evidence provided. The appeal process has given opportunity for the appellant to demonstrate why the proposed development should be allowed and detail any other material issues for consideration.

Other matters

15. The hamlet contains numerous buildings of similar traditional stone built linear form. It is understood that several properties in the hamlet are listed, including Orchardlea, a Grade II listed building which sits opposite the site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to ensure the setting of listed buildings are preserved. Although I have had special regard to the setting of Orchardlea, given my conclusion on the main issue, the matter has not been determinative in my consideration of the appeal.
16. It is understood that the proposed development would create a home close to that of the appellant's family, enabling the appellant to care for them in future. However, I have little substantive evidence concerning the personal circumstances of these caring needs.
17. Although no ecological survey has been undertaken, the appellant is of the view that the proposed development would not harm biodiversity, including bats.
18. Representations in support of the proposed development have been made. I acknowledge the appellant's family have been involved in the stewardship of the site and land nearby and the appellant has been a long term resident of the hamlet. However, I have no evidence to support the intention of the proposed development would be to enable the appellant to become a rural worker or improve the biodiversity of the site or its surroundings. Similarly, the overall design of the proposed development does not lead me to a different conclusion regarding the appeal before me.
19. The appellant raised concerns relating to the Council's approach to decision making. However, I have determined the appeal on its own merits and on the basis of the evidence before me. These other matters do not therefore lead me to a different decision.

Conclusion

20. For the reasons above and having considered all matters raised, the appeal is dismissed.

M Scriven

INSPECTOR