



Appeal Decision

Site visit made on 4 August 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/K1128/W/20/3249586

Field at SX 641 480, Lower Gaberwell, Kingston, Devon

- 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 and Mrs M Freeman against the decision of South Hams District Council.
 - The application Ref 3126/19/FUL, dated 25 September 2019, was refused by notice dated 19 November 2019.
 - The development proposed is described as for a proposed dwelling (re-submission of 1768/19/FUL).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy and consistency, I have used the address for the proposed development as provided on the appeal form and on the Council's decision notice. Furthermore, I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form.

Main Issues

3. Although the Council has given three reasons for refusal on the decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify two main issues.
4. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, having regard to local and national planning policies; and,
 - The effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the appeal site within the South Devon Area of Outstanding Natural Beauty (the AONB).

Reasons

Location of Development

5. The appeal site is located within the AONB and comprises the north western section of a substantial paddock. The appeal site is accessed from a narrow

single track lane and is located outside of the village of Kingston. Whilst it is acknowledged that the appeal site is located not far from the edge of the village, the site is nonetheless separated from it by agricultural land. By reason of the scatter of dwellings and agricultural holdings, high hedges and narrow lanes, the surrounding area has an intrinsically rural feel such that the appeal site is located within the open countryside for planning purposes.

6. Paragraph 79 of the National Planning Policy Framework (the Framework) provides that planning policies and decisions should avoid the development of isolated homes in the countryside. The case of *Braintree District Council v Secretary of State for Communities and Local Government & Ors* (2017) EWHC 2743 (Admin) and the subsequent Court of Appeal Judgement, confirmed the term isolated in relation to paragraph 79 of the Framework should be given its ordinary objective meaning of “far away from other places, buildings or people”. Given its location close to development east of the site, the appeal site is not located far away from other places, buildings or people, and, consequently, would not strictly accord with the definition of isolated in terms of the Framework.
7. Policy TTV26 of the Plymouth and South West Devon Joint Local Plan (the Joint Local Plan) concerns development within the countryside and seeks to protect the special characteristics and role of the countryside. This Policy restricts isolated development within the countryside unless there are exceptional circumstances, such as provision of a dwelling for a rural worker, where the proposal would secure the future of a significant heritage asset or be of a truly outstanding or innovative sustainability and design.
8. The supporting text to Policy TTV26 of the Joint Local Plan provides that 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. In this regard, whilst it is acknowledged that the appeal site would not be located far away from the facilities contained within Kingston, it would appear, from the evidence before me and from observations made on my site visit, that the village itself does not contain a range of facilities and services which may be reasonably required on a day to day basis, such as a school or a shop. Accordingly, given the distances between the site and services which may be required on a day to day basis, the appeal proposal would be considered to be isolated development for the purposes of Policy TTV26 of the Joint Local Plan.
9. On the evidence before me, no justification has been provided in support of the appeal proposal on the grounds of meeting an essential need for a rural worker, that the proposal would protect, enhance or secure the long term future of a heritage asset, that the proposal would make use of a redundant building or be of a truly outstanding design. There is no objective evidence before me to indicate that the proposal would meet any of the exceptional circumstances and therefore, and in this regard, I find the appeal proposal would not accord with the requirements of Policy TTV26 of the Joint Local Plan.
10. In conclusion of this main issue, the appeal proposal would conflict with Policy TTV26 of the Joint Local Plan which, amongst other things, requires that development in the countryside is in an accessible location with regards to services and facilities or would comply with the exceptional circumstances with regards to rural workers or the preservation of a heritage asset.

11. Whilst I acknowledge the Appellants' reference to Policy TTV25 of the Joint Local Plan, which concerns development in settlements that are described as sustainable villages, the Joint Local Plan makes clear that villages which are located within the AONB are specifically excluded from the definition of 'sustainable villages' and, consequently, even in the event that it was found that the site was located within Kingston village, given its location within the AONB the provisions of Policy TTV25 of the Joint Local Plan would not apply in this instance.

Character and Appearance

12. As noted above, the appeal site comprises part of a substantial paddock outside of Kingston. The land rises relatively steeply uphill from northwest to southeast and would be accessed from the adjacent narrow lane.
13. The proposed dwelling would be a single storey building which, in terms of external materials, would be finished in a combination of render and cladding panels and with a concrete tiled roof. In these regards the proposal would not suitably reflect its immediate context that predominantly comprises more traditional rural dwellings. I find that the proposals would not have proper regard to the pattern of development or surroundings, including in terms of style and detailing. Accordingly, the appeal scheme would conflict with Policy DEV20 of the Joint Local Plan which, amongst other matters, seeks to ensure that developments meet good standards of design that has regard to local development in terms of style and visual impact.
14. The site is located within the AONB and the Framework is clear that Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty, and that great weight should be given to conserving these qualities. In my view, the appeal site contributes positively to the landscape and scenic beauty of the AONB by reason of its tranquil and picturesque location within the countryside outside of any settlement.
15. The proposed dwelling would be somewhat set down into the ground and, by reason of the sloping nature of the appeal site, would not be highly visible within the wider surrounding area. However, the appeal scheme would still be visible from within the adjacent narrow lane and, furthermore, parts of the proposal would likely be visible from within the more open countryside to the south and southeast of the site. As such, I find that the introduction of a dwelling at the appeal site would add to the built form within this rural countryside location and, with parking arrangements and the paraphernalia associated with residential occupation, the proposal would be detrimental to the character and appearance of the surrounding landscape.
16. Notwithstanding the above, and whilst I note the Appellants' submissions that the topography and features of the surrounding landscape would limit views of the site, paragraph 172 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the AONB in all instances, irrespective of the prominence of the appeal site. In my view, and for the reasons given above regarding the urbanisation and domestication of the site, the proposal would be at odds with, rather than enhance, the prevailing rural character of the AONB in a location which the Framework highlights as having the highest status of protection in relation to landscape and scenic beauty.

17. For the above reasons, the appeal scheme would conflict with Policy DEV20 of the Joint Local Plan and paragraph 127 of the Framework which, together and amongst other things, requires that development be of high quality design which has regard to local development in terms of style and visual impact.
18. Furthermore, I conclude that the natural scenic beauty of the AONB would not be conserved or enhanced by the proposed development. The appeal scheme would therefore be contrary to Policy DEV25 of the Local Plan, which seeks to ensure that local distinctiveness and the character and appearance of the area, including the scenic beauty of the AONB, is protected. It would also fail the provisions as set out in paragraph 172 of the Framework.

Other Matters

19. The Appellants submitted the proposed development following pre-application advice from the Council. The Framework stresses the benefits of early engagement and of good quality preapplication discussion. Whilst it is not binding, it is clearly unfortunate if proposals are initially supported but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is considered afresh and, as a consequence of this, the positive feedback given at pre-application stage does not warrant allowing the appeal.
20. The Appellants have referred me to Policy DEV8 of the Joint Local Plan with regards to meeting local housing needs and which, amongst other things, sets out that a mix of housing sizes, types and tenures should be provided in order to redress an imbalance within the existing housing stock, and to provide dwellings more suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.
21. In this respect, the Council have put it to me that the proposal would not assist in redressing the imbalance within the local housing stock which the Council maintains is oversupplied in terms of detached dwellings set within generous plots.
22. Whilst I acknowledge the Appellants' submissions with regards to local housing needs and that the Appellants have local connections with Kingston, I have not been provided with any substantive evidence of their being an under supply of two bedroom detached bungalows within the local area. In this regard, while I sympathise with the Appellants' desire to reside within the locality, it appears from the submissions made that the proposal would reflect the specific wishes of the Appellants rather than demonstrating that such forms of development are required in order to redress any imbalance in the housing stock within this area. Furthermore, it has not been shown how the proposal would be specifically suitable for younger people, working families and older people who wish to retain a sense of self-sufficiency. Consequently, based upon the evidence and submissions before me, I do not have sufficient information to conclude that the proposal would accord with the aims and objectives of Policy DEV8 of the Joint Local Plan.
23. 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 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 those businesses located within Kingston and within the wider surrounding area

24. However, in my view and by reason of the modest scale of the proposed development, the benefits which the appeal scheme would bring are limited in scope, and would be outweighed by the conflict with the development plan and the resulting harm to the character and appearance of the surrounding area and to the landscape and scenic beauty of the AONB, to which I attach significant weight.

Conclusion

25. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan and the National Planning Policy Framework when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR