



Appeal Decision

Site visit made on 15 September 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/P1133/W/20/3253692

Badgers Meadow, Road Past Yeo Farm, Clapham, Kennford EX2 9UN

- 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 Paul Clay against the decision of Teignbridge District Council.
 - The application Ref 20/00418/OUT, dated 4 March 2020, was refused by notice dated 30 April 2020.
 - The development proposed is dwelling to replace workshop.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the development would accord with local and national policies, having regard to the accessibility of services and reducing the need to travel.

Reasons

3. The appeal site comprises an existing single storey blockwork workshop on an elevated site on the outskirts of Clapham. It is attached to another workshop in separate ownership. There is an area of rough scrubland on a higher tier to the rear and a steep driveway adjacent to the western boundary. The workshop has an existing industrial use.
4. Clapham is a small, rural settlement, largely without facilities, that has an informal arrangement of dwellings. The nearest settlement with a primary school, shop, and childcare facility is Kennford, some approximate 2 km to the east. Kennford is accessible by road along country lanes but cannot be easily reached by foot or bicycle given the absence of footways or cycle lanes and streetlighting.
5. It is suggested that Clapham is a settlement that cannot be considered isolated in the context of the Braintree¹ case. I agree that the site is a part of the settlement, tucked inside the sign for 'Clapham' and inset from the most westerly dwelling. However, whilst the site is not isolated, the settlement is not identified within the Teignbridge Local Plan² (Local Plan) as one which is suitable for receiving new residential development. It is therefore in the countryside in policy terms.

¹ Braintree DC v SSCLG [2018] EWCA Civ. 610 Case No: C1/2017/3292

² Teignbridge Local Plan 2013 – 2033 (adopted 2014)

6. Policy S22 of the Local Plan sets out that development in the countryside will be strictly managed to ensure attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. The types of residential development permissible in the countryside is limited to affordable housing, replacement dwellings, Gypsy and Traveller pitches and dwellings for agricultural and rural workers.
7. The proposal would involve the demolition of the workshop and the construction of an open market dwelling. It is not promoted as a scheme for affordable housing or any of the other residential development types that may be permitted in the countryside.
8. Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, it states that in determining any planning matter, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The current development plan was adopted in 2014 and was assessed in the context of the National Planning Policy Framework (the Framework) (then 2012, now 2019), which in respect of Paragraphs 78 and 79 has changed relatively little (albeit previously numbered paragraph 55).
9. Paragraph 78 of the Framework states that in order to "*promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby*".
10. Policy S22 of the Local Plan identifies that Bovey Tracey, Chudleigh, Dawlish, Kingskerswell, Kingsteignton, Newton Abbot and Teignmouth are the main settlements in the plan area. Local Plan Policy 21 does as directed by Framework paragraph 78 and lists the villages, including Doddiscombsleigh, Exminster, Kennford, and Starcross, where opportunities for growth and support for local services would be best located. Whilst any development in Clapham would inevitably support businesses in outlying villages and elsewhere due to the absence of any of its own, this is not to suggest that development should occur in such a location where future residents would be unavoidably reliant on private vehicles.
11. Paragraph 84 of the Framework explains that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. This is duly noted. However, and for the reasons I have explained, the appeal scheme does not constitute such a situation. In addition, I have not seen a sufficiently convincing case that the development of the appeal site would necessarily meet local business or community needs. In any event, I am mindful that paragraph 84 goes on to say that development should, amongst other things, exploit any opportunities to make a location more sustainable. Again, and for the reasons I have explained above, the appeal site would not sit squarely with this provision.
12. The other developments permitted in and around Clapham in recent years appear to pre-date the adoption of the current local plan in 2014, with the exception of Pitmans Barns (19/02094) which, from the limited evidence, appears to have been determined on its own site-specific considerations. The more recent change of use proposal for 'The Lawns' (18/02246/NPA) involves a

prior approval, the sustainability of which could not be assessed against the development plan.

13. In view of this main issue, the location of the development would not accord with, in particular, Policy S22 of the Local Plan.

Other Matters

14. I note the suggestion that the replacement of the workshop would remove an existing non-conforming use with consequent environmental and amenity advantages. There is little evidence that the use of the workshop is harmful to the living conditions of existing neighbouring residents or that the use, that may have other economic benefits to the area, is so environmentally harmful in terms of traffic generation or other effects to allow for material weight to be attributed to this aspect.
15. In terms of the replacement of buildings upon an existing similar footprint, this is not a determinative factor and would be dictated by the constraints of the site in any event.
16. Whilst there may be some minor degree of visual enhancement from the proposal within the confines of the site, the workshop presently sits largely out of public view and any scheme of improvement, if designed well, would have a similarly neutral impact on the public realm. The adjoining workshop building would remain. That there would not be any harm to openness or to the wider landscape as per Local Plan Policies EN1 & EN2A is a neutral factor in the planning balance.
17. Similarly, the avoidance of negative effects on the biodiversity value does not attract weight in favour of the scheme.

Planning balance and conclusion

18. The proposal would result in the provision of an additional dwelling to the housing stock with a degree of additional support to services in nearby villages, and involving the reuse of a previously developed site with potential minor visual enhancements. These amount to limited social, environmental and economic benefits given the scale of the scheme.
19. However, in terms of its location, the scheme conflicts with the development plan, considered as a whole. The benefits taken together do not amount to considerations of sufficient materiality to outweigh this conflict.
20. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR