



## 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: 02 October 2020**

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**Appeal Ref: APP/K1128/W/20/3253150**

**Little Grove, Tigley, Harberton TQ9 6EW**

- 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 D Mould against the decision of South Hams District Council.
  - The application Ref 0169/20/FUL, dated 16 January 2020, was refused by notice dated 18 March 2020.
  - The development proposed is conversion of existing redundant barn to live/work unit with workshop (B1) and store.
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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 minimising the need to travel.

### Reasons

3. The appeal site comprises an existing wide span portal framed building, served by an access and area of hardstanding. The red line site plan also indicates a large extent of agricultural land to be within the same ownership and which was in use for grazing purposes at the time of my site visit.
4. In a wider context, the site lies within a rural location, relatively close to a cluster of dwellings forming the dispersed hamlet of Tigley. Totnes is the nearest main settlement to the east, some approximate 3 km away by road and Dartington lies a similar distance to the northeast. Despite its proximity to the A385 and Plymouth Road, the area has a remote and tranquil feel to it.
5. The proposal seeks to convert the existing building into a live/work unit. The floor plan shows a large part of the building given over to a single bed dwelling, with broadly a third of the floor area given over to a long, narrow workshop on the roadside edge of the building.
6. The Plymouth and South West Devon Joint Local Plan 2014 - 2034 (JLP), adopted in March 2019, includes Policies STP1 and STP2 that provide an overarching strategy for the location of new development. JLP Policy TTV1 sets out the hierarchy of settlements which are to receive proportionate amounts of growth over the plan period, with smaller villages, hamlets and the countryside being where the least development will be permitted subject to other policies in the Plan, including Policy TTV26. Policy TTV2 sets out the objectives for sustainable growth within the 'Thriving Towns and Villages' area.

7. Under JLP Policy TTV1, 'Sustainable Villages' are to receive a proportion of development aimed at meeting locally identified needs and to sustain available services. Tigley is not listed as a sustainable village, which is understandable given its lack of facilities. 'Smaller Villages' and 'Hamlets' are not identified as part of Policy TTV1, but it is stated that *'development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27'*.
8. Policy TTV26 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). The supporting text to JLP Policy TTV26 aids the interpretation of the policy and states 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'*.
9. Whilst the site has an association with some other residential dwellings, it is clearly a remote location that places a reliance on Totnes or other outlying settlements for access to facilities, including shops, community and healthcare services. The distance and absence of any cycle or pedestrian infrastructure is a significantly limiting factor though it has good access to the road network for private vehicles. Despite the choice and regularity of services offered, the existence of a bus stop approximately 500m from the site along an unlit route without footways also fails to demonstrate that the proposal is located in a way that would support the principles of sustainable development.
10. Despite that the scheme is intended to be for 'live/work' purposes, there is limited evidence of what work is intended to be undertaken and why it requires a countryside location that may otherwise justify a need for a rural worker to live permanently at, or near their place of work in the countryside under Policy TTV26 (i).
11. Under TTV26, part (iii) it is possible to secure the re-use of redundant or disused buildings for an appropriate use. This element of the policy resembles that in paragraph 79 of the National Planning Policy Framework (the Framework). From my site visit assessment, there was little to suggest that the building was strictly disused or redundant. Nor is there any tangible evidence detailing why it would be redundant for the holiday use purpose as was previously granted by way of a 2017 permission<sup>1</sup>, though this may allude to the capability of converting the building.
12. The appellant indicates that the proposal would support the local economy. However, there is little evidence to set out what specific business the B1 workshop would have and what number of employees and/or other businesses that it would support, both directly and indirectly. The use of the proposal for holiday use purposes has already been found to generate some economic support for the area and there is little to indicate that the current proposal would be of greater public benefit overall.
13. Drawing this main issue together, the appeal site is not located in an area where new residential development is supportable and it therefore conflicts

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<sup>1</sup> 2234/17/OPA

with, in particular, JLP Policies STP1, STP2, TTV1, TTV2 and DEV29 in respect of accessibility to local services, minimising the need to travel and promoting sustainable transport choices. In the absence of sufficient evidence, nor would the proposal strictly accord with any of the other permissible developments under JLP Policy TTV26.

### **Other Matters**

14. Though there is provision in the Framework and, where relevant, through alternative means under the General Permitted Development Order<sup>2</sup> to allow for the conversion of redundant rural buildings, these considerations do not override the current development plan as a starting point.
15. The appellant has drawn attention to a 2016 permission for a live/work unit on a site nearby which is claimed has created a precedent for this type of development in this location. Given the age of that permission, and the material change of policy circumstances which has since occurred with the adoption of the JLP in 2019, I am not able to concur that the same support should be drawn from the current development plan to the scheme before me.
16. Similarly, other proposals for new residential conversions in the area do not appear to have been approved since the recent adoption of the JLP. Therefore, I cannot consider developments that predate the JLP as sufficiently comparable to the appeal scheme.
17. Whilst I note that the appellant has drawn attention to JLP Policy DEV15 and its support for the rural economy, it does not specifically deal with live/work units but does raise an issue with the loss of tourism facilities which may be relevant.

### **Planning balance and conclusion**

18. The proposal would provide an additional dwelling to the local housing stock, with resultant economic and social benefits. Given the scale of the proposal, these benefits would, by extension, be relatively modest.
19. The proposal would not be located in a manner that accords with the development plan and therefore conflicts with it, when read as a whole. Notwithstanding the caveated support from the Parish Council, no other considerations of sufficient materiality have been put forward that outweigh this conflict.
20. For the reasons outlined above, the appeal is dismissed.

*Hollie Nicholls*

INSPECTOR

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<sup>2</sup> Town and Country Planning (General Permitted Development) Order 2015, as amended