
Appeal Decision

Site visit made on 3 September 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/Q1153/W/20/3252734

Challoch Bungalow, The Crescent, Crapstone PL20 7PS

- 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 P Gray of Charles Gray Limited against the decision of West Devon Borough Council.
 - The application Ref 0346/20/FUL, dated 29 January 2020, was refused by notice dated 8 April 2020.
 - The development proposed is development of 3 four bedroom dwellings (pair of semi-detached and 1 detached), new access road and external works.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr P Gray against West Devon Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including whether it would conserve and enhance the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty (AONB) and Dartmoor National Park (DNP); and
 - whether the proposal would adequately respond to local housing need.

Reasons

Character and appearance

4. The appeal site comprises a large detached bungalow in substantial grounds with mature trees on the boundaries. The site is located within the AONB and close to the boundary of the DNP.
5. The current proposal involves the demolition of the bungalow and its replacement with three dwellings, two semi-detached and one detached.
6. The appeal proposal follows a recently dismissed appeal¹ for a scheme involving three detached dwellings, albeit sited close to one another and arranged in sequence parallel to the highway. Though it was not found to harm

¹ APP/Q1153/W/19/3228301

the moorland landscape or scenic beauty of the DNP, that scheme was found to be cramped, too regimented and harmful to the soft edge of the village.

7. The context of the appeal site has not changed since the previous appeal and Crapstone is still characterised by a pleasing variety of types, sizes, scale and orientation of houses. The dwellings closest to the appeal site are predominately large detached and semi-detached dwellings, set close to the road but within spacious plots. Towards the centre of the settlement, the density of development increases and dwellings appear to be closer to the road. However, overall, the settlement has a pleasantly informal character.
8. The architectural form of the dwellings has been largely carried over from the previous proposal which was found to be broadly compatible with the prevailing character of the village. This aspect is consistent with the former scheme and I agree with my colleague that it would be appropriate in its context and would take reference from the higher quality precedents in the area.
9. The current scheme involves two attached dwellings, removing the nominal space between them that featured in the previous scheme, and a small increase in the gap between them and the detached dwelling. Other subtle changes have also been made to the overall form of the buildings. The distance of the dwellings from the highway, the staggered building line and separation between the respective built forms has addressed the regimented and formulaic layout of the previous scheme and created a subtle degree of informality that better suits the context of the site. The overall mass of buildings would still be more noticeably 'urban' than the soft settlement edge that Challock Bungalow currently achieves, but would be appropriate in context with the surrounding development.
10. Views into the site are currently filtered by the dense tree cover and additional layer of vegetation on the roadside. Views in towards the site would remain filtered as they are presently, with a more organic layout that would be expected on the settlement edge. Partial views are attainable of large dwellings further outside of the settlement and consequently, it would not be uncharacteristic to see glimpses through trees of any new buildings on site.
11. Therefore, in my view, the scheme would preserve the character and appearance of the area, and conserve the AONB. The scheme would also maintain the moorland landscape and scenic beauty of the DNP. Accordingly, the proposal would accord with, in particular, Policies DEV10, DEV20 and DEV25 of the Plymouth and South West Devon Joint Local Plan (adopted 2019) (JLP). These Policies, amongst other things, seek to ensure proposals meet a good standard of design, contributing to both townscape and landscape, including nationally protected landscapes.

Local housing need

12. JLP Policies SPT1 and SPT2 set the overarching principles for the development plan, which includes the creation of sustainable communities through delivery of a mix of housing types and tenures to meet the area's housing needs. Policy TTV1 states that in the smaller villages, hamlets and the countryside, development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

13. JLP Policy DEV8 states that within the Thriving Towns and Villages Area (TTVA), opportunities for home ownership will be widened through the provision of a mix of house sizes, types and tenures and that the most particular needs are homes that redress an imbalance within the existing housing stock.
14. During the consideration of the appeal application, a joint SPD was in production. The SPD² was adopted by the Council in June 2020. Paragraph 11.13 of the SPD states that *"Fourth tier (smaller villages, hamlets and countryside) of the settlement hierarchy will be expected to meet local needs by restricting ownership or occupation to people with a demonstrable local connection, and may also have value of a house suppressed by a minimum of 20 per cent against the open market value. These restrictions will be written into a s106 agreement attached to the relevant planning permission."*
15. Crapstone is a fourth tier settlement within the TTVA and proposes a scheme of 3 houses, each with four bedrooms. This would deliver two additional four bed dwellings to the housing stock.
16. The evidence used to assess the sizes of houses within the existing stock and the demographic of local households has been clarified as being the Census data from 2011 (Office for National Statistics) and the SHMA Part 2 (2017)³. The evidence base corroborates that there is an imbalance of large houses comprising four or more bedrooms in the West Devon area, and particularly in the parish of Buckland Monachorum. There is also a similarly large proportion of detached housing and evidence that large houses are often under-occupied.
17. The underlying evidence base is not new and is largely unchanged since the earlier appeal, but there is more recent monitoring data from the Council to suggest that the general trends are unaffected by permissions given since then, both built and as yet unimplemented. However, the SPD has since been adopted and provides detail about the application of the aforementioned JLP Policies to secure development that better redresses an imbalance in the local housing stock, through making the proposed houses more accessible to those with a local connection.
18. Whilst the appellant contends that the requirements of policy DEV8 are more applicable to larger developments, the SPD distinguishes between schemes of both greater and fewer than 5 dwellings in paragraph 4.25. This indicates that developments in fourth tier settlements, which are more likely to be small-scale, are not exempt from the requirement to redress a housing imbalance. I also accept that there is a need to maintain the character and grain of development in the area, which features houses at the larger end of the scale. Whilst that may be so, there is a measure to help widen the scope for ownership of such dwellings by local families, which is absent in this case.
19. Consequently, in the absence of a planning obligation, the proposal does not adequately respond to the local housing need and therefore conflicts with JLP Policies SPT1, SPT2, DEV8 and TTV1. For similar reasons, it also fails to accord with the requirements of paragraphs 4.25 and 11.13 of the SPD.

² Plymouth and South West Devon Supplementary Planning Document (2020)

³ Strategic Housing Market Assessment Part 2 – Objectively Assessed Need for Affordable Housing (2017)

Other Matters

20. The appeal site lies within the Zone of Influence (ZoI) of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special Protection Area) (collectively referred to hereafter as the EMS). The effects of the proposal would be likely, either alone or in combination with other developments in the area, to have significant effects on these designated sites.
21. Following an appropriate assessment, it has been concluded that recreational pressures from additional residents within the ZoI need to be mitigated to ensure that they do not have a significant effect on the EMS. The Council does not have a Community Infrastructure Levy Tariff in place to secure such mitigation measures and consequently, it relies on the use of S106 legal agreements.
22. The appellant has submitted a unilateral undertaking (UU) which is otherwise an appropriate form of obligation. However, the UU contains an inconsistency in the definition of the 'Land' which is intended would be bound and the appended 'Plan' which shows said land enclosed within the red line area.
23. Consequently, I cannot be satisfied that the obligations in the UU are sufficiently binding on the land, the appellant or any successors in title. However, as the appeal is failing for other reasons in any event, I need not consider this aspect any further.
24. I note that representations were made from some interested parties in support of the scheme and have taken into account the points raised in respect of design and the additional support for local facilities from future residents.

Planning Balance and Conclusion

25. The proposal would provide two additional dwellings to the local housing stock with resultant economic and social benefits. However, in the context of the scale of the proposal, the benefits would be modest.
26. The absence of harm to the character and appearance of the area, and that of the DNP and AONB is a neutral factor in the overall balance.
27. The social benefits of the scheme are tempered by the absence of a planning obligation that would enable the scheme to adequately respond to the local housing need. In the absence of an adequate planning obligation to address its impacts, it would also harm the EMS.
28. Therefore, the proposal would conflict with the development plan, read as a whole. The benefits of the scheme do not amount to considerations of sufficient materiality to outweigh the identified harm and associated policy conflict.
29. For the reasons outlined above, and taking into account all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR