
Appeal Decision

Site visit made on 1 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/Y1138/W/20/3256062

Land and Buildings at NGR 302056 104022, Westcott, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Steve Rowe of Rowe Atlantic against the decision of Mid Devon District Council.
 - The application Ref 19/02122/PIP, dated 20 December 2019, was refused by notice dated 24 January 2020.
 - The development proposed is permission in principle for the erection of up to 5 residential units as a rural exceptions site.
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Decision

1. The appeal is allowed and permission in principle is granted for permission in principle for the erection of up to 5 residential units as a rural exceptions site at Land and Buildings at NGR 302056 104022, Westcott, Devon, in accordance with the terms of the application, Ref:19/02122/PIP, dated 20 December 2019.

Procedural Matters

2. There are discrepancies between the appeal site address on the original application form and appeal form submitted by the Appellant. In the interests of accuracy, I have taken the address and the description of development from the Council's decision notice for use in the banner heading at the top of this decision letter.
3. Since the submission of this appeal, there has been a change in the Development Plan with adoption of the Mid Devon Local Plan Review (the Local Plan) in July 2020. This plan supersedes the Allocations and Infrastructure Development Plan Document and the policy referred to within the reason for refusal on the Council's decision notice. I have therefore had regard to national and local policies as adopted at the present time. The main parties have had the opportunity to comment on the policy changes.

Background and Main Issue

4. The appeal proposal is for a Permission in Principle. In accordance with the Planning Practice Guidance (the PPG) and the Town and Country Planning (Permission in Principle) Order 2017, this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development (first stage) from the technical detail (second stage). The appeal proposal is at the first stage and therefore I have considered the principle of the scheme. As the

appeal does not relate to technical details, I have taken the submitted plans to be illustrative only.

5. The PPG advises that the scope of permission in principle applications at the first stage, is limited to location, land use and amount of development. The amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings. In this case, permission for up to five dwellings is being sought. I have determined the appeal on this basis.
6. In light of the above and the submissions of the main parties, the main issue is whether the principle of the proposed development is acceptable, having regard to the location of the appeal site and to policies of the development plan.

Reasons

7. The appeal site comprises an area of garden land associated with the property known as Westcott Park. The site has a strong physical and visual relationship with Westcott Park and has the appearance of a well maintained garden which is domestic in character. The site is situated adjacent to a relatively narrow lane and separates the substantial residence at Westcott Park from the dwelling known as Honeyland. Planning history for Westcott Park indicates that planning permission has recently been granted for the conversion of the main house and a substantially sized outbuilding at Westcott Park, into residential units.
8. Westcott is a very small settlement which provides only a limited amount of services and facilities. The settlement includes a public house and bus stops, but does not provide immediate access to shops, medical or educational facilities which are to be found within the larger nearby towns and cities at Cullompton, Tiverton and Exeter.
9. The appeal site is not located within any of the settlements as described under Policies S10 – S13 of the Local Plan. Policy S14 of the Local Plan provides that outside those named towns and larger villages within the district, development will only be permitted where it would preserve and, where possible, enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
10. Policy S14 of the Local Plan further confirms that specific policies of the development plan will permit agricultural and other appropriate rural uses, subject to certain criteria and which includes development that is for affordable and low cost housing to meet local needs. The site has a domestic appearance and additional housing at the site would fill a gap between existing and recently permitted residential development. Consequently, development of the site would be seen in the context of the nearby built environment and, subject to the design and scale of the proposed dwellings which is to be considered at the technical stage, would not be harmful to the intrinsic character and beauty of the wider surrounding countryside.
11. The proposal includes affordable housing provision and has been submitted as an exceptions site. Accordingly, Policy D6 of the Local Plan applies to the appeal scheme, and confirms, amongst other things, that development for affordable housing will be permitted where the site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact

- and other relevant planning issues, and where there is up-to-date evidence of housing need secured through a housing need survey where the type and scale of affordable housing is appropriate to the proven need.
12. The Council have put it to me that the site does not adjoin a settlement and would not be suitably located with regards access to services and facilities. The supporting text to Policy D6 of the Local Plan confirms that, while the site is not located within any settlement as described under Policy S13 of the Local Plan, provision of affordable housing may be appropriate in other settlements where there would be reasonable access to local services and infrastructure.
 13. As noted above, the appeal site comprises garden land and it is acknowledged within the Council's Officer Report that Westcott is a hamlet. The site is located at the edge of that hamlet and therefore would, in my view, be a site that does adjoin a settlement within the context of Policy D6 of the Local Plan.
 14. With regards access to services and facilities, it is acknowledged that Westcott would not provide immediate access to a wide range of services that may reasonably be required on a daily basis such as a school or shop. Cullompton would be the nearest large settlement that would provide access to a wide range of services and, whilst there is no continuous pedestrian footway linking the site to Cullompton, I consider that the distance and highway environment would not necessarily discourage journeys to Cullompton, from the site, by bicycle.
 15. Furthermore, I acknowledge that the position of the bus stops at Westcott would be within close proximity to the appeal site. The evidence before me indicates that services to both Cullompton and the larger centre at Exeter would be frequent with short journey times. The availability of a regular service on a daily basis, covering a number of different routes and larger settlements and towns from early morning to late in the day, provides substantial weight in support of the appeal proposal. I am therefore satisfied that the accessibility of the site to local services and facilities would not be solely or heavily dependent upon the use of the private car, and I would conclude that the appeal site would be in a settlement where there would be reasonable access to local services and infrastructure.
 16. Criterion a) of Policy D6 of the Local Plan confirms that up to date evidence of housing need is required and, in the case of affordable housing, this evidence should be in the form of a housing needs survey. In this regard, the Council contends that no housing needs survey which is specific to Westcott has been provided by the Appellant and that, consequently, the appeal scheme would conflict with Policy D6 of the Local Plan.
 17. The evidence before me confirms that no housing needs survey has been provided which specifically concerns Westcott. However, the supporting text to Policy D6 does confirm that the Council will also have regard to any up to date information from the Devon Home Choice register. In this respect, the evidence provided by the Appellant indicates that there is a substantial need for affordable housing within the Cullompton Parish. Whilst the appeal site is not located within Cullompton, the Council does not dispute that the site is within Cullompton Parish or that the figures provided regarding housing need in that parish are incorrect.

18. By reason of the acknowledged and evidenced need for affordable housing within the parish, I conclude that it has been adequately demonstrated that an affordable housing need exists within the area. As there is an identified need for affordable housing within the Parish of Cullompton and the site is suitably located with regards to access to Cullompton town itself, the proposal is considered to be in accordance with the aims and objectives of criterion a) of Policy D6 of the Local Plan.
19. Criterion d) of Policy D6 of the Local Plan requires that the type and scale of the proposed affordable housing is appropriate to the evidenced need for affordable housing as described under criterion a) of the same policy and as detailed above. However, the planning application is for Permission in Principle and the type, scale and number of affordable housing units are matters which would be considered at the technical stage. In this regard, I would conclude that any consideration of these matters will require further housing need information, which specifically relates to Westcott, to be submitted at the technical stage thereby enabling a determination to be made with regards the number, type and scale of the proposed dwellings. Accordingly, no further consideration of criterion d) of Policy D6 is required at this stage of a Permission in Principle application.
20. For the above reasons, the appeal scheme would comply with Policies S14 and D6 of the Local Plan which, amongst other things, requires that development which is located outside of the named larger settlements within the district, is restricted to meeting a proven local affordable housing need and which provides suitable access to services and facilities. In this regard, the policies of the recently adopted development plan have not been put aside as the proposal is considered to accord with the above current development plan policies.

Conclusions

21. The proposal would contribute towards affordable housing in a parish where there is an identified need. The scheme would accord with those paragraphs of the National Planning Policy Framework which advise that, in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs, and that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
22. For the above reasons, I conclude that the appeal should be allowed and permission in principle for up to five dwellings, is granted. As stated in the PPG, it is not possible for conditions to be attached to a grant of permission in principle and I have therefore not considered such matters in the determination of this appeal.

A Spencer-Peet

INSPECTOR