



Appeal Decision

Site visit made on 23 November 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/K1128/W/20/3255017

Part Field Ord No 7052, Lembury Meadow, Aish Road, Nr Stoke Gabriel, Devon TQ9 6PX

- 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 Kevin Lamble against the decision of South Hams District Council.
 - The application Ref 0217/20/FUL, dated 6 January 2020, was refused by notice dated 12 March 2020.
 - The development proposed is dwelling and double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the development accords with local policies in respect of minimising the need to travel and protecting the intrinsic character of the countryside and Undeveloped Coast;
 - whether there is a local housing need for the development; and
 - the effect of the proposal on the character and appearance of the area and South Devon Area of Outstanding Natural Beauty (AONB).

Reasons

Location of development

3. The site comprises a large, sloping field with a stable block and access track on the lower side, bound by rural roads on the south-east and north-eastern sides. The south-western boundary is adjoined in part by a dwelling in separate ownership.
4. Notwithstanding that the site is adjacent to a small cluster of existing dwellings, it is in an open countryside location beyond the nearest settlement of Stoke Gabriel which is approximately one kilometre to the south. The roads immediately surrounding the site are rural in character, absent of streetlighting, footways or other sustainable transport infrastructure. Aside the incursion by a limited number of scattered dwellings, the immediate surroundings are generally agricultural in nature.

5. Policy TTV1 of the Joint Local Plan¹ sets out the settlement hierarchy for the Plan area. As Stoke Gabriel is not identified as a 'Main Town', 'Key Village' or 'Sustainable Village', it falls within the fourth more general tier, i.e. the 'smaller villages, hamlets and the countryside'. The Joint Local Plan does not set boundaries for either villages, hamlets or the countryside but invites local communities to set relevant boundaries through Neighbourhood Plans where desired.
6. Though there may be some doubt about whether the Stoke Gabriel Neighbourhood Plan (NP) will determine the site to be within the village settlement boundary, this is not for me to determine as part of the appeal. Given its early stage of preparation, I have not attributed any weight to the NP.
7. In the absence of boundary definitions, Policy TTV1 seeks to allow development only if it can be demonstrated to support the principles of sustainable development and sustainable communities with cross-reference to Joint Local Plan Policies SPT1, SPT2 and TTV26.
8. Though clusters of rural dwellings are not uncommon in the countryside and though they may prevent a site from being considered 'isolated' in the context of the Braintree case, and more pertinently, Joint Local Plan Policy TTV26, they do not automatically render an adjoining site suitable for new development. In this case, the distance between the site and the nearest range of every day facilities would lead to a dependency of future residents on cars for the large majority of journeys, such as for shopping or to access healthcare services. Other than the limited addition of a household that would perhaps be more reliant on community facilities in the surrounding settlements, there is also limited evidence to suggest that the proposal would support the principles of sustainable communities.
9. Additionally, the site lies within an area designated as Undeveloped Coast, which Joint Local Plan Policy DEV24 seeks to protect from any detrimental effect on its undeveloped and unspoilt character. The proposed development has not been substantiated as one which requires a coastal location and there is no demonstration that the development of the dwelling could not reasonably located outside of the designated area.
10. For the above reasons, the location of the development does not accord with Joint Local Plan Policies TTV1, SPT1, SPT2, TTV26 or DEV24.

Local housing need

11. The appeal proposes a three bed, open market dwelling. Given the intended tenure, it would not be an affordable scheme that, in some circumstances, can be supported by Joint Local Plan Policy TTV27.
12. A range of evidence has been put forward to indicate that the parish in which the appeal site lies (South Huish) has an overprovision of three bed dwellings (42%) and detached dwellings (61%). No counter evidence has been offered and I have no reason to dispute these figures.
13. However, given that the scheme is for a single dwelling, the degree to which it would exacerbate this imbalance is limited. On one hand, the provision of a dwelling would provide an additional opportunity to access housing by freeing

¹ Plymouth and South West Devon Joint Local Plan 2014 – 2034 (adopted 2019)

up a dwelling elsewhere, albeit not necessarily within the Parish or Plan area. On the other, it would not provide one of the less well represented housing types in the more local context. Whilst I understand the objective of Policy DEV8 and its supporting text to redress a housing stock imbalance, this is difficult to achieve with proposals involving one dwelling which is clearly intended to meet the specific, albeit not 'specialist', needs of the appellant.

14. In any case, the proposal is failing on the main issue and I do not find any harm in relation to the need, or otherwise, for the proposal in the context of Policy DEV8 of the Joint Local Plan.

Character and appearance

15. The field surrounding the appeal site accommodates an existing stable block, access track and has two separate gated accesses with stone wall-bound visibility splays. To an extent, its character and appearance has been influenced by the association with the keeping of horses. The site also adjoins some neighbouring dwellings. Nonetheless, the boundary demarcation between the field and the dwellings is clear. There are no boundary features enclosing the site itself and the adjoining dwellings do not influence its character to such an extent that the proposal would logically appear as an extension of the pattern of limited built development.
16. On the contrary, the development of a dwelling on the currently undefined area of field would extend a suburbanising influence onto the land, detracting from its green and openness and creating a visible domestic influence into an otherwise pleasant and logical part of the countryside. The inevitable overspill of domestic paraphernalia would also exacerbate this visual intrusion.
17. The style of the dwelling would have some acceptable qualities, including its monopitch roof and use of materials that would help it to assimilate with the rural surroundings. However, these aspects would be undermined by the fully glazed rear elevation, which would appear as a stark and unrelenting feature facing back into the AONB. This would be particularly apparent when lit up against a dark sky given the elevation of the site and its lack of containment by landform or landscape features.
18. Given the above considerations, the proposal would harm the character and appearance of the area, the South Devon AONB and Undeveloped Coast, contrary to Policies DEV20, DEV23, DEV24, DEV25 and TTV26.

Other Matters

19. The appellant claims that the need to tend to his horses results in a high frequency of vehicular movements that would be reduced if he were to live at the appeal site. It would also negate any issues of inaccessibility that may be created by infrequent occurrences of snow and enhance the ability to respond to any particular animal welfare needs that may arise. Whilst these current lifestyle factors are relevant at the personal level and could lead to a minor benefit through reducing some journeys, the occupation of the dwelling could change and the location of the development otherwise fails to align with the broader objectives of the planning system to help minimise the need to travel by vehicle to everyday services and facilities.
20. The absence of other harms in relation to biodiversity value and effects on living conditions of neighbouring occupiers is a neutral factor in the overall

balance. I also note that the appellant would be amenable to changing aspects of the proposal, including the extent of glazing, that may otherwise address identified harms. However, I must determine the appeal based on the plans currently before me and on its own merits.

21. Notwithstanding the limited information provided, the references made to other developments in the area appear to relate mainly to dwellings that already existed prior to being extended or replaced. Other references to new dwellings in the countryside which may have some similarity to the appeal scheme appear to have involved the conversion of a barn. There are a number of other considerations and policies that pertain to the reuse of existing buildings in the countryside that are not applicable to the creation of a new dwelling in the countryside.

Planning balance and conclusion

22. The appeal proposal would result in the addition of a dwelling to the local housing stock and would result in some degree of economic benefit throughout the construction phase and beyond, through reliance of future occupiers on local facilities. In view of the Council's adequate supply of housing land and the absence of any particular housing need in this case, the contribution of one dwelling would be of limited benefit overall.
23. The scheme conflicts with the Development Plan, read as a whole. In my view, the limited benefits identified do not amount to considerations of sufficient materiality to indicate that a decision should be taken other than in accordance therewith.
24. For the above reasons and taking into account all other matters raised, the appeal is dismissed.

Hollie Nicholls

INSPECTOR