
Appeal Decision

Site visit made on 5 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/J9497/W/20/3260345

Land east of Brentor Road, Tavistock

- 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 & Mrs S Hutchins against the decision of Dartmoor National Park Authority.
 - The application Ref 0076/20, dated 21 December 2019, was refused by notice dated 9 April 2020.
 - The development proposed is outline application for the erection of a bungalow, one house (4 bed) and 3 stall stable block with tack room, feed room, hay store and tractor parking area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for later consideration. I have considered the appeal on that basis.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location having regard to National and Local Planning Policy.

Reasons

Policy Context

4. The development plan includes the Dartmoor National Park Authority Core Strategy Development Plan Document (the Core Strategy) and the Dartmoor National Park Authority Development Management and Delivery Development Plan Document (the DMD). I have also taken account of other considerations including the statutory purposes of National Parks and the UK Government Vision and Circular 2010 in the determination of this appeal.

Location of Development

5. The appeal site is located within Dartmoor National Park (the National Park) and comprises an irregularly shaped agricultural field which, the evidence before me indicates, is used currently for the grazing of horses. The site is accessed from a gateway which connects with Brentor Road. There is residential development which fronts onto Brentor Road south of the site, with

further sporadic residential developments occupying plots on either side of Brentor Road north of the site.

6. Policy COR1 of the Core Strategy and Policy DMD1a of the DMD reflect the approach of the National Planning Policy Framework (the Framework) in respect of planning for sustainable development. Policies COR2 and COR15 of the Core Strategy guide new residential development based upon a hierarchy of local centres of population and smaller rural settlements. These Policies seek to ensure that new development is located such that there is access to day to day services and facilities, and in order to maintain the rural character of the area. In the countryside outside the named settlements, new residential development is to be restricted to that serving the proven need for rural enterprises, or through meeting identified needs for affordable housing.
7. Policy COR2 of the Core Strategy identifies Mary Tavy as being a Rural Settlement. The development plan does not appear to provide details of settlement boundaries. However, the site forms an important gap in the built form of development on the eastern side of Brentor Road at this location and comprises part of a significant green wedge which separates development located on Brentor Road from development which fronts onto the A386 highway east of the site. By reason of the concentration of built form south of the site and due to development north of the site predominately comprising somewhat isolated dwellings surrounded by open land, in my view whilst being adjacent to Mary Tavy the site is nonetheless located outside of that settlement.
8. The appeal scheme is for open market dwellings and a stable block located outside but adjacent to a Rural Settlement and, accordingly, the proposed development would be in conflict with the provisions of Policies COR2 and COR15 of the Core Strategy as described above.
9. Policy DMD23 of the DMD specifies the circumstances in which new residential development may take place outside of Local Centres and Rural Settlements. It provides, amongst other things, that planning permission will only be granted for dwellings where they would be required for an agricultural holding, a rural based enterprise or where the proposed scheme comprises the conversion of an existing building to an affordable dwelling. In this respect the proposed development would comprise open market dwellings in a location where no essential need in respect of rural workers or enterprises has been put forward by the Appellants. Consequently, the appeal proposal would not comply with Policy DMD23 of the DMD.
10. Policy DMD22 of the DMD concerns residential development within Rural Settlements. Whilst I have concluded that the site is located outside of the settlement for the reasons given above, Policy DMD22 of the DMD in part provides that, exceptionally, development located adjacent to Rural Settlements will be permitted where there is an identified affordable housing need and the development proposal is tailored to meet such needs.
11. With regards to the above, it has been put to me that there is a local need for housing at this location and that the Appellants and their family have strong local connections to the area and to Mary Tavy. The Appellants' submissions indicate that the need for dwellings at this site arises from a desire of a member of the Appellants' family to return to the locality and from the need to have an adaptable home to meet restricted mobility circumstances.

12. Whilst the Appellants' submissions are noted there is limited evidence before me of an identified housing need at this location. In this respect, while it is acknowledged that the Appellants do not consider the proposal to be for open market dwellings given their intention to remain and further to a proposed condition which I shall return to below, the proposed units would not accord with the definition of Affordable Housing as provided within the Framework.
13. In respect of the condition suggested by the Appellants, while it is acknowledged that the condition would provide priority for those with a local connection, the proposed dwellings would remain as open market dwellings and would not accord with the definition of affordable housing as noted above. Consequently, in light of the above reasons the appeal scheme is not for an identifiable affordable housing need and, given the location of the site, would conflict with the provisions of Policy DMD22 of the DMD when taken as a whole.
14. In summary of the above, the appeal site is located outside of but adjacent to the Rural Settlement at Mary Tavy. The proposal is not advanced as being for affordable housing that would meet an identified local affordable housing need. Consequently, the appeal scheme conflicts with Policies COR2 and COR15 of the Core Strategy and would fail to comply with the provisions of Policies DMD22 and DMD23 of the DMD. Furthermore, given that development at the site would extend the built form of Mary Tavy out into the countryside and would somewhat urbanise an undeveloped agricultural field that contributes positively to the landscape of the National Park, the appeal proposal would not enhance the natural beauty of the National Park and would therefore conflict with Policy DMD1b of the DMD.
15. Paragraph 77 of the Framework provides that in rural areas planning decisions should respond to local circumstances and support housing developments that reflect local needs. The Appellants have referred to other appeal decisions¹ concerning development within the National Park where the appointed Inspector considered matters of affordable housing provision. In this regard, it is noted that, by reason of the policies of the development plan that predate the Framework and given that no evidence of housing need within the area and lack of available data on affordable housing delivery had not been provided, it was concluded that policies concerning affordable housing should not be attributed more weight than the Framework.
16. Based on the very limited amount of information before me regarding the cited appeals, it does not appear that all the circumstances or policy considerations of those schemes were comparable to the appeal proposal before me. In the Ashburton appeal, the limited information provided indicates that that scheme concerned the conversion of an existing building located within a Local Centre where the level of affordable housing was set on a proportional basis and subject to viability.
17. In this instance, whilst Policies DMD22 and DMD23 of the DMD predate the Framework they, nonetheless, are broadly consistent with the Framework with regards to affordable housing provision within designated rural areas such as National Parks. Notwithstanding this, in any event even if more weight was to be accorded to the Framework, then the appeal scheme would not conserve and enhance the landscape and scenic beauty of the National Park and therefore would fail to accord with the Framework when taken as a whole.

¹ Appeal References: APP/J9497/W/19/3242099 & APP/J9497/W/17/3174261

18. Further to the above, whilst it is noted that the appeal site was included within the 2014/2015 Strategic Housing Land Availability Assessment and the 2017 Land Availability Assessment for housing, these documents are not policy and have no statutory status in the allocation of the site for development and, consequently, I have attached only very limited weight to this consideration in the determination of this appeal.
19. Weighing in favour of the appeal scheme, I acknowledge that the proposal would provide some limited social benefits in terms of additional units towards housing supply. The Framework recognises that new housing can contribute to the vitality of rural communities by helping to support local services and, as such, I accept that additional households at the appeal site could play a small part in supporting the viability of the services located within Mary Tavy and within the wider surrounding area. Whilst these benefits are materially positive, they are limited by reason of the scale of the proposal. In my view, such benefits do not outweigh my findings regarding the conflict with the development plan and the conflict with the Framework when taken as a whole to which I attach significant weight.
20. In summary of the above, the appeal proposal would conflict with Policies COR1, COR2 and COR15 of the Core Strategy and would fail to comply with the requirements of Policies DMD1a, DMD1b, DMD22 and DMD23 of the DMD. The scheme would also fail to accord with the provisions of the Framework when taken as a whole.
21. I acknowledge that the Appellants have longstanding connections to the local community and that the Appellants advise that their current residence is no longer suitable with regards to mobility concerns. Whilst I have sympathy with the Appellants' situation, there is only limited information before me regarding the extent of mobility concerns or why they would necessitate new dwellings within the National Park. It is also unclear whether other solutions have been explored that could accommodate the Appellants' requirements with regards to mobility.
22. These uncertainties reduce the weight I can attach to the Appellants' personal circumstances in this case, and these matters do not outweigh the harm I have identified above. Dismissing the appeal would be a proportionate response in this case as it is likely that, if the appeal were allowed, the development would be significantly longer lasting than the personal circumstances used to justify it.

Other Matters

23. In the determination of this appeal, I have also considered the details submitted by interested parties. In this instance, however, I have found the proposed scheme is in conflict with the development plan and the Framework when taken as a whole, and there is no further information put forward by interested parties which outweighs the harm that would be caused by the development.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet INSPECTOR