



Appeal Decision

Site Visit made on 5 March 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/Q1153/W/20/3263800

Whimbarn House, Road From Chipshop Inn To Millhill Quarry, Ottery, Tavistock PL19 8NS

- 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 R Luxton against the decision of West Devon Borough Council.
 - The application Ref 2472/20/OPA, dated 5 August 2020, was refused by notice dated 6 October 2020.
 - The development proposed is Erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline with all matters reserved for future consideration. I have therefore considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development would be in an appropriate location, having regard to development plan policies and access to services and facilities.

Reasons

4. Although the surrounding area has a rural character and is predominantly undeveloped countryside, the appeal site adjoins the settlement of Ottery, which is described by the Council as a hamlet and the appellant as a village. Given its location in relation to existing built form, the site is also not isolated. On this basis, the appeal scheme would not conflict with Policy TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) which amongst other aspects seeks to avoid isolated development in the countryside. On the basis that the proposed development would not be isolated and is for a new dwelling rather than renewable energy development, neither would the appeal scheme conflict with JLP Policy DEV33.
5. It has been put to me that Ottery meets the criteria for being defined by the JLP as a sustainable village, where development to meet locally identified needs and to sustain limited services and amenities is supported by part 3 of JLP Policy TTV1. Be that as it may, and irrespective of whether Ottery has the characteristics and many of the attributes of a sustainable settlement and is of a similar size, has more facilities and scores more highly on the assessment matrix than various other settlements listed as sustainable villages in the JLP,

Ottery is not included in the JLP's list of sustainable villages. How such settlements were identified as part of the preparation of the now-adopted JLP and why Ottery was not included are not matters for my consideration as part of this appeal. The current services and facilities in Ottery do not lead me to a different view. It seems to me that judging the scheme on the basis of it being within a defined sustainable village would also undermine the plan making process and the adopted development plan, which was subject to public consultation and an examination in public where it was found sound.

6. On the basis that Ottery is not identified as a sustainable village in the adopted JLP, it is therefore relevant to consider the appeal scheme in relation to part 4 of Policy TTV1. That sets out that development in smaller villages, hamlets and the countryside will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.
7. Ottery contains several dwellings with a mix of sizes and types and it has some services and facilities. The industrial/business estate is close by and would provide potential employment opportunities for the occupiers of the proposed dwelling. It is said that, with good broadband and mobile phone services, home working would also be an option from the site. Be that as it may, the B&B/hotel, with its public bar and restaurant, could not reasonably be described as providing daily necessities and although the pub and shop are not a significant distance away, walking or cycling to them would involve negotiating an unlit and relatively narrow stretch of highway with no separation from vehicular traffic. Although there are other services and facilities in the surrounding area, including in the settlements of for example Lamerton and Tavistock (which are identified by the JLP as a sustainable village and main town respectively), accessing these on foot or by bicycle would involve a longer journey on often narrow, sometimes single track and mostly unlit rural lanes.
8. It seems to me that walking or cycling from the site to services and facilities that would meet the daily needs of the occupiers of the proposed development would therefore be neither particularly appealing nor safe. I am also not aware of any public transport options that could be easily accessed from the site. Accordingly, the site's situation is not conducive to accessing the development and surrounding area except predominantly by private vehicle, which the submitted Planning Statement recognises when stating that the primary mode of transport will inevitably be the car. Irrespective of Ottery's status as defined by the JLP, with the development not being well served by public transport, walking and cycling opportunities, and the supporting text to JLP Policy STP2 identifying sustainable communities as being characterised by amongst other things good accessibility and being walkable, it also cannot reasonably be described as sustainable.
9. I accept that reliance on the private vehicle may be common in rural areas in general and in other settlements in the district, including those defined as sustainable villages by the JLP. Amongst other aspects, the National Planning Policy Framework (Framework) also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in this instance, the surrounding highway conditions and limited alternative transport options available to access services and facilities in other settlements and the wider area mean that future occupiers of the development would be likely to be highly reliant on one mode of transport – the private vehicle – for a significant majority of their journeys and to serve their daily needs. The appeal

decision for the scheme at Lamerton, which was for a larger development in a defined sustainable village, does not lead me to a different conclusion.

10. Containing some sheds/outbuilding type structures, the site constitutes previously developed land. It therefore meets part 3i of JLP Policy SPT1. However, given my findings in relation to the site's accessibility to facilities and services essentially being limited to the private vehicle, the appeal scheme would not meet part 2 of Policy SPT1 as it would not have sustainable and health promoting transport options available. For these reasons, neither would it meet the expectations of JLP Policy SPT2 which sets out that development should be well served by public transport, walking and cycling opportunities and have reasonable access to a vibrant mixed use centre. Consequently, although vehicle movements associated with a single dwelling would not be particularly significant, the site and appeal scheme cannot be described as supporting the principles of sustainable development and sustainable communities.
11. Given Ottery's rural setting and the site's location adjacent to a settlement which is not identified by the development plan as a sustainable village, JLP Policy TTV27 is also applicable to the acceptability of the appeal scheme. Covering the meeting of local housing needs in rural areas, the policy amongst other aspects sets out that proposals for residential development may be permitted provided that certain matters can be demonstrated.
12. It has been put to me that settlements such as Ottery need some development in order to meet the needs of local residents. Be that as it may, I have little substantive evidence which indicates that the appeal proposal would, as required by Policy TTV27, meet amongst other things a proven need for affordable housing for local people. The submitted evidence also confirms that the development is not proposed as an exception site. In coming to this view, I have taken into account that the appellant considers that the development falls below the threshold for the provision of affordable housing. In addition, my above findings indicate that the proposal would not meet the requirement of all other relevant JLP policies, as required by part 4 of Policy TTV27.
13. For the above reasons, I conclude that the proposed development would not be in an appropriate location, having regard to development plan policies and access to services and facilities. I therefore find that it conflicts with JLP Policies TTV1, SPT1, SPT2 and TTV27. Amongst other aspects, these set out the Council's overall approach to delivering sustainable development and that growth will be delivered according to a hierarchy of settlements, seek to deliver sustainable rural communities, and set out the circumstances under which local housing needs in rural areas may be permitted.
14. The Decision Notice also alleges a conflict with JLP Strategic Objective SO7 and the Plymouth and South West Devon Supplementary Planning Document (2020) (SPD). However, my attention has not been drawn to any words in the Objective or SPD that are relevant to this main issue. They have therefore not been determinative in my decision.

Other matters

15. The site falls within the zone of influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special Protection Area). This indicates that the development would be likely, in combination with other plans and projects,

to have a significant effect on the internationally important interest features of these areas due to additional recreational pressure. The Council's Officer Report sets out that a scheme to mitigate the effects can be secured by a legal agreement, and I note that a draft Unilateral Undertaking was submitted with the appeal. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

16. The appellant asserts that the presumption in favour of sustainable development is engaged and that there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. However, the evidence before me does not indicate that the development plan policies which are most important for determining the application are out-of-date. Accordingly, the approach set out in paragraph 11d) of the Framework does not apply in this instance and I consider that there is no reason why the development plan's policies that are most important for the determination of this appeal should not be accorded very substantial weight. I have therefore determined the appeal proposal in accordance with the development plan and material considerations.

Planning Balance

17. I have found that the proposed development would not be in an appropriate location, having regard to development plan policies and access to services and facilities. Although I have found that the appeal scheme would not conflict with JLP Policies TTV26 and DEV33 and Strategic Objective SO7, it would conflict with JLP Policies TTV1, SPT1, SPT2 and TTV27. Taking all of this into account, the appeal proposal would be contrary to the development plan as a whole.
18. As set out in the submitted Design and Access Statement, the site is in flood zone 1, is not designated and no listed buildings would be affected. The Council has not raised concerns regarding the effect of the development on the surrounding landscape, highway safety or the living conditions of adjoining occupiers. The appellant also indicates that the dwelling would, amongst other things, be served with appropriate drainage and designed to reflect its surroundings and local vernacular. Be that as it may, these matters are neutral in the planning balance rather than counting as benefits.
19. However, there would be some benefits associated with the proposed development, including the provision of an additional dwelling. In relation to this, it has been put to me that even though the Council can demonstrate a five year supply of housing land, achieving sufficient supply is not a target and there is no cap or limit on delivering more housing in the district. In addition, the Framework sets out that local planning authorities should seek to boost significantly the supply of housing and that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. As recognised by the Planning Practice Guidance, people living in rural areas can also face particular challenges in terms of housing supply and affordability.
20. Providing an additional accessible and adaptable dwelling on a brownfield site in a rural area, the proposed development would increase the availability and stock of housing in the area and contribute to the JLP's windfall allowance. With occupiers of the proposed development being likely to use services and facilities in the locality and surrounding area, the appeal scheme would also support local services both directly and indirectly (through the multiplier effect), including in Ottery and other nearby settlements such as Lamerton and Gulworthy. In

addition, it would result in an increase in revenue from Council tax and the New Homes Bonus, and provide some construction employment, with the erection of the dwelling anticipated to result in around four construction jobs. The proposed development would therefore have a positive impact on the local economy and would help to maintain, as per the Framework, the vitality of the rural community. It is said that there would also be some biodiversity net gain.

21. However, given the scale of the development, I am satisfied that the totality of its social, economic and environmental benefits would be relatively limited. The provision of one additional residential unit would also have only a limited effect on the supply of housing in the area, and the evidence before me indicates that the appeal scheme is not needed in order to ensure a sufficient supply of housing land in the district. The conflict I have identified with the development plan is therefore not outweighed by these considerations. Although the Framework sets out that substantial weight should be given to the value of using suitable brownfield land, my findings above indicate that the site, although previously developed, also cannot reasonably be described as being suitable for the development proposed or being in a sustainable location.

Conclusion

22. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR