



Appeal Decision

Site visit made on 8 June 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/Q1153/W/21/3267883

**Lobhill Cottage, Road from South View to Lobhill Cross, Lewdown
EX20 4DS**

- 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 & Mrs J Spooncer against the decision of West Devon Borough Council.
 - The application Ref 0806/20/FUL, dated 3 February 2020, was refused by notice dated 29 July 2020.
 - The development proposed is erection of dwelling in residential garden with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the development accords with local policies which seek to locate housing in order to provide reasonable access to a vibrant local centre and minimise the need to travel by private vehicle.

Reasons

3. The appeal site is formed from an area of garden to the west of Lobhill Cottage (the host dwelling); also in the ownership of the appellants. Lobhill Cottage is a two storey dwelling orientated east-west. The site is bound to the north by the rural road and agricultural land to the south and west. Mature trees line some of the boundaries, particularly that to the north, and there are some trees within the site itself. Though there is a shallow slope down from the road, the site itself is relatively level.
4. The appeal proposal seeks to construct a detached pitched roof bungalow with three bedrooms orientated to face north-south. The third bedroom would be provided within the roof with rooflights. The bungalow would have an attached car port, would be constructed from painted rendered blockwork with a natural slate roof and would also have solar panels on the south-facing plane. Ancillary works would include the hardsurfacing of the access and parking area and provision of drainage infrastructure, partly into the adjoining field to the south.
5. The development plan includes the Plymouth and South West Devon Joint Local Plan (JLP) which was adopted in 2019. A number of overarching policies set the context for development in the plan area, including the need to site residential development to create sustainable linked neighbourhoods and sustainable rural communities (Policies SPT1 and SPT2).

6. The appeal site falls within the 'Thriving Towns and Villages' area (TTVA) where Policies TTV1 and TTV26, amongst others, are most applicable. Policy TTV1 sets out the hierarchy of settlements which are to receive proportionate amounts of growth over the plan period, with smaller villages, hamlets and the countryside being where the least development will be permitted subject to other policies in the Plan.
7. Under the JLP, Lewdown is listed as a 'Sustainable Village'. Such villages are considered as such due to the limited number of facilities on offer, but are considered appropriate to accommodate development to meet locally identified needs to help sustain their limited services and amenities. The preamble to Policy TTV1 also indicates that the JLP does not define settlement boundaries and that development outside of the built up areas will be considered in the context of Policy TTV26. So to be considered acceptable in the context of Policy TTV1, any development must be a part of the built up area of the village.
8. Lewdown is a largely linear settlement and its eastern extent includes the dwellings at 'The Market Place' and 'Baring Court'. The smaller satellite part of the settlement at Lewtrenchard falls outside of, and to the east of the main built limits of the village and includes the primary school, a cluster of dwellings and 'Jethros'. The eastern extent of the Lewtrenchard satellite settlement is defined by the eastern edge of 'Jethros' and 'Myrtle Cottage'; both of which fall within the 40 mph speed-restricted area.
9. In my view, the appeal site falls outside of the immediate built up area of Lewdown and also outside of the smaller settlement area of Lewtrenchard. Whilst not truly isolated given the existence of a cluster of dwellings opposite, Lobhill Cottage and the appeal site are in a rural position and could not be described as being within, or adjacent to the settlement.
10. In terms of accessibility, the appeal site is situated a broadly level walk along a continuous footway from Lewtrenchard and Lewdown. The route also has streetlighting, though crossing from the appeal site to the footway in traffic speeds of up to the National Speed Limit of 60mph presents some challenges. Having walked the route from the appeal site to the school and bus stop in Lewtrenchard, it takes approximately 6 minutes in each direction. To walk from the appeal site to the public house or Post Office in Lewdown one way takes around 17 minutes over a distance of approximately 1.2 km. Therefore, in my view, the distance and duration of a two-way walking trip to the shop and Post Office for convenience items would not be particularly attractive for residents on a regular basis.
11. Whilst the appeal site could therefore be described as being relatively close to Lewtrenchard and accessible via a level walk along an existing street-lit footway, this does not mean that development of the site would accord with Policy TTV1. Similarly, the existence of the limited rural bus service and proximity of the nearest stop is not sufficient to persuade me that the site is otherwise in a sustainable location. Thus, I regard the site as being within the countryside where residents would be most reliant on private transport and also where the policies generally seek to limit new residential development.
12. The appellant has raised the issue of the planning permission granted for the redevelopment of the 'Jethros' site with a number of dwellings. I have already indicated that whilst, in my view, it does not strictly form a part of the main area of Lewdown, Jethros and the school, along with the clustered dwellings

immediately adjacent thereto, form the satellite settlement of Lewtrenchard. Whilst this in itself is not a 'Sustainable Village' under Policy TTV1, it is understandable that the Council regarded it as part of Lewdown, given the interconnectivity and shared facilities between the two. 'Jethros' forms a sizeable quantum of the existing built form of that particular settlement and there is an obvious change in character immediately after it and 'Myrtle Cottage' when travelling towards the appeal site. Once through the traffic signs indicating the end of the speed restrictions, the road has a far more rural, agricultural character with only individual or clustered dwellings dotted along either sides of the road at various intervals.

13. In terms of the proposal's accordance with Policy TTV26, it is debateable whether Part (1) can apply given that the site is not strictly isolated. There are no particularly relevant parts of Part (2) either. However, it is apparent that the site is not in the built up area of the village and thus conflicts with Policy TTV1. In the absence of any applicable exemption under Policy TTV26, the location of the development would not accord with the overall objectives of the JLP to site new residential development where it has reasonable access to a vibrant mixed use centre and is served by public transport, walking and cycling opportunities.
14. I note the well evidenced personal circumstances of the appellants which demonstrate a need for single storey accommodation, and the unsuitability of the two storey host dwelling in this regard. I also noted that other than a few exceptions, there were only around 10 bungalows within 'Baring Court' in Lewdown, supporting the appellants' assertion that such accommodation is rarely available on the market for purchase and has restricted them from moving to a more suitable home in the village.
15. The caselaw provided to me in respect of the weight to place on personal circumstances refers to the ability to allow for the 'human factor' in planning decisions¹. In many ways it may seem logical to allow the appeal on the basis of the appellants' personal circumstances, but those and the site context are not so exceptional or unique that they could not be replicated elsewhere. The proposed solution to build a three bedroom market dwelling is not so specific to the individual circumstances that it could be seen as such, and, as accepted by the appellants, would last beyond their current needs. I have not seen any evidence that adaptations to the existing dwelling or an annexe-type accommodation would not present a viable alternative solution. As such, whilst I have empathy for the difficulties faced by the appellants, the circumstances do not enable me to depart from the thrust of the development plan to locate new dwellings in the built up 'sustainable villages' or in more rural areas where they can support the principles of sustainable development and communities.
16. I have also reviewed the appeal decision² provided by the Council which relates to an alternative site further west of the appeal site. I accept that that particular site has additional shortcomings insofar as it is further from the centre of Lewdown and accessed via an additional section of road which is on an incline and absent of a footway and lighting. However, the differences between the two sites still do not lead me to the conclusion that developing the appeal site would accord with the development plan for the reasons outlined.

¹ Caselaw: Westminster City Council v Great Portland Estates plc (1985)

² Appeal Ref: APP/Q1153/W/19/3241325

17. Drawing together all of the above factors, the location of the development does not accord with JLP Policies SPT1, SPT2, TTV1, TTV26 or DEV29 insofar as it would not provide reasonable access to a vibrant local centre or minimise the need to travel by private vehicle.

Other Matters

18. I note the areas of agreement between the appellant and Council in respect of the suitability of the proposed access in highway safety terms, design and drainage matters. The absence of other harms is a neutral factor in the overall planning balance.

Planning balance and conclusion

19. The construction of a dwelling on the appeal site conflicts with the development plan, considered as a whole, by virtue of its location, which would not support the principles of sustainable development or sustainable communities.
20. The benefits of constructing a dwelling would derive from the economic input, during construction, and thereafter, from the addition of new residents, either to the proposed or the existing host dwelling, through their support for local shops and facilities. There would also be the social benefit of increased access to housing and environmental benefits from the development of previously developed land, thus reducing a reliance on greenfield sites of greater value.
21. However, these benefits and the personal circumstances of the appellant are not sufficient to dictate that a decision should be made other than in accordance with the development plan.
22. Accordingly, the appeal is dismissed.

Hollie Nicholls

INSPECTOR