



Appeal Decision

Site visit made on 2 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/Y1138/W/21/3283610

Loranne, Silverton, Exeter EX5 4DS

- 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 J Luffman against the decision of Mid Devon District Council.
 - The application Ref 21/01259/PIP, dated 23 June 2021, was refused by notice dated 27 August 2021.
 - The development proposed is permission in principle for one residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle (PiP). The Planning Practice Guidance advises that this is an alternative way of obtaining permission for housing-led development. The consent route has 2 stages: the first stage (or PiP stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if PiP is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether or not the site is suitable for the proposal, having regard to its location, proposed land use and the amount of development.

Reasons

5. The site comprises a triangular plot of open land about 485m to the south of the settlement limits of Silverton. The public highway separates the site from farmland and Waterleat House to the east and south respectively and it is bound by the dwellings Glynheath to the west and Loranne to the northwest.
6. Policy S1 of the Mid Devon Local Plan 2013-2033 (adopted 2020) (MDLP) establishes the strategic priorities for the Council area. Amongst other things, it seeks to focus development at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements, with limited development in identified villages. Policy S13 elucidates that housing will be limited to small scale allocations or schemes within the defined limits of the identified villages.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

7. Silverton is one such identified village owing to its moderate range of facilities and access to public transport. However, the site is not within the settlement but away from it within the designated countryside. Policy S14 of the MDLP seeks to manage development within the designated countryside and limits it to certain, specified criteria. The scheme proposes an open market dwelling and none of the criteria listed in the policy would apply.
8. Paragraph 80 of the National Planning Policy Framework (the Framework) states that decisions should avoid isolated homes in the countryside unless under certain circumstances. It is argued that the site is not isolated, with reference to case law on the subject². The cited judgment effectively decoupled the issue of functional accessibility from the assessment of isolation and stated that 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement.
9. In this case, the site is physically apart from Silverton. Whilst there are dwellings in the immediate vicinity, they read as a small collection of rural buildings, not an identifiable settlement as such. Consequently, I consider the site to be isolated in the countryside under the Framework's terms. Reference is also made to Paragraph 79 of the Framework, but it applies to housing development within villages, which I have found would not be the case here.
10. I have been directed to Sites SI1 and SI2 which are allocated for housing at Silverton by the MDLP. Whilst lacking direct access to a pavement, Site SI2 represents infill within the confines of the village. Site SI1 is previously developed land and is closer to the village than the appeal site. In any case, the merits of their allocations would have been assessed through the plan making process. They form an integral part of the spatial strategy for the area and are not therefore factors which serve to justify a departure from it.
11. Accordingly, I conclude that the site would not be suitable for the proposal, having regard to its location, proposed land use and the amount of development. The scheme would conflict with the relevant aims of Policies SP1, SP13 and SP14 of the MDLP and the Framework.

Other Considerations

12. The appellant considers that the site would be suitable for residential development given that it would be accessible to the range of services within Silverton and bus services from there onwards to Exeter and Tiverton.
13. The site is linked to Silverton by a highway. At the distances involved, there is the prospect of occupants of the dwelling walking and cycling to facilities in the village. However, the route is and feels unsupervised, is devoid of devoted pedestrian space and lighting, and would not be appealing during inclement weather or hours of darkness. The part of the route to the south of St Mary the Virgin church is also quite steep, which would act as a disincentive for some.
14. The nearest bus stops are half a mile away and Tiverton and Exeter are then a substantial bus journey of around 8.3 and 8.6 miles respectively. As such, I am not convinced that occupants across the demographics would typically travel to and then use this public transport. It is more likely they would drive directly to Exeter or Tiverton as required. Overall, I find the site to be only fairly accessible to services and facilities. The delivery here of one modern, inclusively designed,

² Braintree DC v SSCLG [2018] EWCA Civ 610

dwelling weighs modestly in the scheme's favour, as do the economic benefits accrued through any associated, small increased use of local facilities.

15. My attention has been drawn to two appeals for housing around Silverton and Cheriton Bishop respectively³. These appeals were allowed in conflict with the development plan following the engagement of the presumption in favour of sustainable development under the terms of Paragraph 11 of the Framework. They were decided within a different local policy context, where the previous development plan was extant but its most important policies for determining the appeals were out of date. The site at Silverton is also notably closer to the village. As such, they attract very little weight in favour of the proposal.

Planning Balance

16. The unsuitability of the site for residential development, having regard to its location, proposed land use and the amount of development, draws the scheme into conflict with the development plan when read as a whole.
17. The development plan is the statutory starting point for decision making, and the Framework states that where an application conflicts with an up-to-date development plan permission should not usually be granted. The MDLP is quite recently adopted, and the appellant has not sought to argue that it is out-of-date. Within this context, the conflict with the development plan attracts significant weight. Whilst I accept that the site is fairly accessible to services and facilities, the benefits of a single dwelling in this location, and the other considerations put forward in support of the scheme, do not generate sufficient weight to justify setting aside the development plan in this case.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

³ Appeal Refs APP/Y1138/W/20/3244550 and APP/Y1138/W/19/3225936