



Appeal Decision

Site visit made on 8 February 2022

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/Q1153/W/21/3282233

Land at SX 44824 76570, Road From Blacksmiths Arms To Venn House, Lamerton PL19 8RZ

- 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 G Burt against the decision of West Devon Borough Council.
 - The application Ref 3981/20/OPA, dated 4 December 2020, was refused by notice dated 28 May 2021.
 - The development proposed is erection of a dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission is sought for the erection of one dwelling and the application is made in outline with all matters reserved save for access.
3. While the appellant has intimated the site could provide a self-build plot, there is no guarantee that would be the case and the appeal has been determined on the basis of a proposed market dwelling, as applied for.

Main Issue

4. The main issue is the principle of the proposed development, with particular regard to its location and local policies concerned with housing provision and sustainable rural communities.

Reasons

5. The appeal site is located within the Thriving Towns and Villages Policy Area (TTVPA) of the 2019 Adopted Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP). Policy TTV1 sets out the development strategy for the area and defines a four tier hierarchy of sustainable settlements comprising; The Main Towns (Tier 1), Smaller Towns and Key Villages (Tier 2), Sustainable Villages (Tier 3), and Smaller Villages, Hamlets and the Countryside (Tier 4). Lamerton is identified as a Tier 3 Sustainable Village and housing proposals in relation to Tiers 3 and 4 are essentially only supported where they meet locally identified needs.
6. Policy DEV8, which relates to meeting local housing need in the TTVPA, sets out that a mix of housing sizes, types and tenure appropriate to the area and supported by local housing evidence should be provided, to ensure that there is a range of housing and broadening choice. It also specifies that one of the most particular needs in the policy area are homes that redress an imbalance within

the existing housing stock. Similarly, Policy SPT2 which concerns sustainable rural communities, specifies that development should support the creation of communities which have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.

7. The Council identify there is an existing imbalance in the housing stock in Lamerton parish, with 52% of dwellings being detached. As the proposal is for a detached market dwelling, it would exacerbate the existing imbalance and thereby conflict with Policies DEV8 and SPT2 in this regard. Moreover, house type is not a secondary or substitute consideration to house size in the policies. Therefore, while an imposed condition could ensure the final development would not exacerbate any local imbalance in house size relative to the number of bedrooms, in this single detached dwelling case, the proposed house type is pertinent to the principle of the development.
8. Policy TTV25 confirms that provision in the order of 550 homes will be sought from the Sustainable Villages as part of the overall housing supply for the TTVPA, and an indicative level of 20 dwellings is set for Lamerton. The policy expresses the expectation that provision for this level of housing should be provided through a neighbourhood plan.
9. Work has commenced on a Lamerton Parish Neighbourhood Plan (NP), which seeks to allocate housing sites, as well as identify a settlement boundary and what is considered to be an important local landscape feature known as the Green Triangle. The appeal site would fall outside the defined settlement boundary and form part of the proposed Green Triangle. However, as the NP is yet to reach an advanced stage, its provisions can only be given limited weight.
10. Policy TTV25 goes on to note that where there is no neighbourhood plan, development proposals could come forward through the planning application process, and these would be assessed against the policies of the JLP. Furthermore, the supporting text to Policy TTV1 specifies that development outside built up areas will be considered in the context of Policy TTV26, which concerns development in the countryside.
11. As other Inspectors have found when assessing nearby proposals¹, Lamerton has a fairly dispersed settlement pattern where in the main, houses front the roadside. The appeal site forms part of a larger agricultural field which is located behind existing residential development that generally has a linear pattern alongside the neighbouring road. While the site is a distinguishable sub-element of the field because it comes closer towards the road and is contiguous with the extent of the rear garden area of the dwelling to the west, it nevertheless has an open and undeveloped character with no tangible demarcation from the remainder of the field. It therefore has an affinity with the surrounding agricultural landscape.
12. Accordingly, the site falls outside the built up area and forms part of the countryside. Furthermore, rather than representing infill development as considered by the appellant, the proposal would comprise an encroachment into the countryside by way of a backland form of development given a building which has the general appearance of a bungalow stands between the site and the road.

¹ Appeal Refs: APP/Q1153/W/18/3206945 and APP/Q1153/W/20/3248731

13. The Council has drawn attention to the 2020 JLP Supplementary Planning Document (SPD). This sets out that a pragmatic approach will be taken to where Policy TTV26 applies, subject to specific requirements. However, as one of the requirements is that a proposal accords with Policy SPT2, and it has already been established above that the appeal proposal would not accord with that policy, the SPD's pragmatic approach to the application of Policy TTV26 does not come into effect.
14. Policy TTV26 is therefore applicable in this case and given the close proximity of the site to substantive existing development, the proposal would not conflict with the first part of the policy which concerns isolated development in the countryside. Furthermore, while it would not conflict with the requirements of the second part of the policy, the proposal would not draw any notable support from that part of the policy either. More importantly however, the introductory paragraph of the policy states that the special characteristics and role of the countryside will be protected, while the supporting text notes that the policy needs to be read alongside other policies of the plan, especially Policies SPT2 and TTV2, with the latter supporting development proposals in the TTVPA which reinforce the sustainable settlement hierarchy and deliver a sustainable pattern of development.
15. When taking into account all of the above, an implicit part of the JLP's development strategy for achieving sustainable rural communities in the TTVPA is that housing developments related to Tiers 3 and 4 of the settlement hierarchy should not simply add to the housing stock. Developments should positively benefit local housing needs, and in particular redress any imbalances within the existing housing stock.
16. Given the proposal would fail to do this and would instead exacerbate an existing imbalance in the housing stock within Lamerton parish, it would not accord with the JLP's development strategy, and the arising encroachment into the countryside would not be justified, the special characteristics and role of which the JLP seeks to protect. As such, the principle of the proposed development would be unacceptable, and it would conflict with Policies TTV1, TTV2, TTV26, SPT2 and DEV8 of the JLP. It would also be at odds with the 2021 National Planning Policy Framework (the Framework), which promotes conserving and enhancing the natural environment through affording recognition to the intrinsic character and beauty of the countryside. Furthermore, it would not accord with the provisions of the emerging NP, although as previously noted, the NP is afforded limited weight.

Other Matters

17. The appellant has drawn attention to an allowed appeal at Folly Gate, Okehampton². However, it was an outline application for 23 dwellings and thereby had the capacity to provide a mix of house types to help redress any imbalance within the existing housing stock. Other nearby approved developments that have been referred to are not directly comparable because they were considered against different adopted development plan policy³.

² Appeal Ref: APP/Q1153/W/20/3257118

³ Council Refs: 1462/17/OPA and 2242/17/OPA

Planning Balance

18. The Framework expresses the Government's objective of significantly boosting the supply of homes and the important contribution that small sites can make to meeting the housing requirement of an area. The proposal would provide an additional dwelling, and there would be economic benefits associated with its construction and subsequent occupation. There would also be the opportunity at the reserved matters stage to secure the appellant's proposed Devon hedgebank along the north-east boundary, which would benefit biodiversity. Nevertheless, given the small scale of the proposal, it would only make a limited contribution to the housing supply, economy and biodiversity which, whilst positive, would not be sufficient to outweigh the adverse impacts with regard to sustainable rural communities and conserving the natural environment, or the conflict with the development plan and the Framework.

Conclusion

19. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR