



Appeal Decision

Site visit made on 21 March 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/J9497/W/21/3288310
36 Torbridge Road, Horrabridge PL20 7SD

- 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 W Glanville against the decision of Dartmoor National Park Authority.
 - The application Ref 0335/21, dated 18 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline, with all matters other than access reserved for future consideration. Plans labelled as indicative have been submitted, showing a site layout, with plans and elevations. As appearance, landscaping, layout, and scale are all reserved matters, I have considered these plans solely on the basis that they have been submitted for illustrative purposes.
3. The National Park Authority's reasons for refusal refer to a number of policies from the Dartmoor National Park Development Plan. Since the decision, these policies have been superseded by those in the Dartmoor Local Plan 2018-2036 (the Local Plan), which was adopted on 3 December 2021, and now forms part of the development plan for the area. The National Park Authority identified the relevant policies from the Local Plan that should be considered in the determination of the appeal in its Questionnaire and Statement of Case. The appeal timetable has allowed the appellant the opportunity to comment on the implications of the change in status of the Local Plan since the decision.
4. During the appeal, the appellant submitted a Unilateral Undertaking dated 29 March 2022 (the UU) made as a Deed pursuant to section 106 of the 1990 Act. The National Park Authority has had the opportunity to comment on it, and I have made my decision based on the evidence and submissions before me.

Main Issues

5. The main issues are:
 - a) Whether the site is suitable for a dwelling, bearing in mind the settlement policies of the development plan; and,

- b) The effect of the development on the character and appearance of the area.

Reasons

Settlement policies of the development plan

6. The spatial strategy for development in the National Park is set out in Strategic Policy 1.3 of the Local Plan, which seeks to focus development in the most sustainable locations, and where it relates well to existing development. To this end, a hierarchy of settlements is identified, together with the level of development that will be acceptable in each category. Horrabridge is categorised as one of the Local Centres, which lie at the top of the hierarchy. The appeal site lies within the defined Settlement Boundary for the village, where Strategic Policy 3.3 says new housing development will be approved. The Policy does stipulate, however, that proposals for up to 5 dwellings must comprise local needs custom and self-build housing; or not less than 45% on-site affordable housing; or provide an equivalent commuted sum.
7. Section 15 of the planning application form indicated that the proposal was for a market dwelling. In the absence of any supporting information to the contrary, the National Park Authority determined the application on this basis. The appellant's statement of case, however, identifies that the proposal is for local needs custom build housing. The Housing Strategy Summary Diagram on page 65 of the Local Plan clarifies that, within the Settlement Boundary, infill developments of five dwellings or less are acceptable, in principle, where the proposal is for local needs custom or self-build housing, restricted to occupation by local people.
8. The UU contains a planning obligation stating that the owners will not permit the occupation of the dwelling by persons who do not qualify as a local person. The definition of a local person in the UU corresponds with that given on page 61 of the Local Plan. Furthermore, the definition of owner includes successors in title. I am therefore satisfied that the UU would secure the occupation of the dwelling for local needs in perpetuity, in accordance with Strategic Policy 3.3.
9. However, Strategic Policy 3.3 also requires that the development comprises custom or self-build housing. The Planning Practice Guidance advises that, in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Whilst it is stated that the dwelling would be occupied by the appellant, who will have influence over the design, the UU does not contain any obligations in this regard.
10. The application is in outline with all matters apart from access reserved. The design of the dwelling would, therefore, be a matter for future consideration. Neither party has suggested the wording for a condition that would ensure that, following the grant of outline permission, the detailed design and construction process would proceed in a manner that would meet the definition of custom and self-build housing set out at paragraph 3.7.1 of the Local Plan. There is, therefore, no mechanism in place whereby I can be satisfied that the dwelling would be delivered as custom or self-build. Consequently, the proposal would be contrary to Strategic Policies 1.3 and 3.3 of the Local Plan, which set out the settlement strategy for the National Park, and the way housing will be delivered in Local Centres.

Character and appearance

11. The appeal site lies at the head of a cul de sac of two-storey semi-detached houses. The dwellings are formally arranged, with their frontages following the line of the road and set back behind front gardens, which are often given over to car-parking. There are regular gaps between the pairs of houses, usually accommodating single storey garages that are stepped back from the frontage. The houses are all of a similar, unremarkable design, with simple gabled roofs, and are constructed in a common palette of materials. The cul de sac has a mundane, urban appearance that does not reflect the general character of the National Park. Nevertheless, the overall uniformity in the scale, layout, form, and design of the houses gives the area a distinctively cohesive appearance.
12. No 36 forms half of a pair of broadly symmetrical semi-detached houses at the lower end of the cul de sac. This pair of houses is similar to the others in the road, but the gaps between the buildings to either side are somewhat larger, due to the arrangement of buildings around the turning head. The house has a comparatively large garden, which widens towards the rear. The proposal is for the division of the plot from front to back, and the erection of a detached dwelling.
13. The application is in outline, so matters of appearance, layout, and scale, are not for determination at this stage. Nevertheless, the appellant contends that the indicative scheme demonstrates that a dwelling of an appropriate scale and layout could be accommodated on the site. However, the dwelling shown on the indicative plans would be a significant departure from the consistent pattern and design of the surrounding houses. Its single storey front facade, asymmetric roof, lack of alignment with the front elevation of the existing house, and its angled relationship with the road, would all be at odds with the established character of the street. All of these factors combined would result in the dwelling appearing as an anomaly in the street scene, which would be harmful to the cohesive character of the cul de sac.
14. In coming to this view, I am mindful that single storey garages set back from the frontage, between houses, is a characteristic feature of the street scene. The indicative scheme, however, shows a gabled frontage, with a domestic scale door and window. Furthermore, the much larger scale of the building to the rear would be apparent in the street scene. Consequently, it would not appear visually similar to the small domestic garages elsewhere in the cul de sac.
15. As the application was for outline permission, I have not confined my consideration to the indicative scheme, which represents only one way in which a dwelling could be constructed on the site. Nonetheless, the narrow site frontage, the presence of the single storey side extension on No 36, the need to provide two off-street car-parking spaces, and the significant slope of the land, all combine to dictate that a detached dwelling on the site could not be provided in a manner that would be consistent with the prevalent scale, layout, form, and design of the surrounding development. Consequently, it would appear as an incongruous addition to the street scene that would be harmful to its character and appearance.
16. For these reasons, I conclude that the proposal would be contrary to Strategic Policies 1.2 and 1.5 of the Local Plan, which seek, amongst other things, to sustain and enhance the character and local distinctiveness of settlements,

townscapes, street patterns and frontages. As the proposal would not be sympathetic to the surrounding built environment, it would also fail to meet the aims of the National Planning Policy Framework (the Framework) to achieve well-designed places.

Planning Balance

17. There would be benefits associated with the development. It would support the Framework's objective of significantly boosting the supply of homes as set out at paragraph 60. Residents of the dwelling would help to maintain the vitality of the rural community, which would accord with the aims of paragraph 79. The proposal would also provide economic benefits through the creation of employment during the construction process. However, as the proposal is only for one dwelling, these benefits would be limited. They do not, therefore, outweigh the conflict that I have found with the settlement policies of the Local Plan, or the harm to the character and appearance of the area.

Conclusion

18. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR