



Appeal Decision

Site visit made on 17 May 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/P1133/W/21/3289285

Grove House, Totnes Road, Ipplepen TQ12 5TN

- 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 Unwin against the decision of Teignbridge District Council.
 - The application Ref 21/00831/FUL, dated 7 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is one self build dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the appeal site offers a suitable location for housing having regard to the spatial strategy for housing in the development plan; and
 - Whether the appeal site is in a suitable location in terms of access to services and facilities.

Reasons

Development Plan

3. Policy S1A of the Teignbridge Local Plan 2013-2033 adopted May 2014 (LP) reflects the presumption in favour of sustainable development articulated in the National Planning Policy Framework (the Framework) whilst Policy S1 of the LP addresses many of the elements of sustainability including the accessibility by a range of transport options to services and facilities and seeks to prevent the adverse effects of development on matters such as living conditions and the landscape. I will return to these policies later.
4. The spatial strategy for housing in the development plan focuses development on urban areas as the most sustainable locations for new residents and workers but allows for small scale proposals which meet local needs to come forward in villages. Ipplepen is identified as a village in Policy S21 of the LP.
5. However, there is no dispute between the Council and the appellant that the appeal site is located outside of Ipplepen and beyond its defined settlement limit. Policy S22 of the LP states that land outside defined settlement limits is classed as open countryside and that in such areas, development will be strictly managed in order to provide attractive landscapes, sustainable settlements and a resilient rural economy.

6. With regards to the appeal proposal, Policy S22 permits specified types of housing but the appeal proposal does not accord with any of those listed. As such, the proposal is contrary to the Council's strict management of development in the open countryside set out in Policy S22 of the LP.
7. The appeal scheme would introduce new housing into the countryside in a way which would not adhere to the countryside policies of the development plan and specifically Policy S22. It therefore follows that the proposal would be at odds with, and harmfully undermine, the adopted strategy for housing in the development plan.

Location

8. The appeal site incorporates part of the existing garden area of Grove House, currently occupied by an outdoor swimming pool. It would be accessed via the existing access from Totnes Road which is a well trafficked road running between Newton Abbot and Totnes. The site is located amongst existing development including residential properties to the north and west and employment uses on land to the south and east. In this regard, the site is not isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework).
9. That said, the Framework does not state that a proposal must be approved if it is not isolated. The Framework needs to be read as a whole including the section on promoting sustainable transport, which requires the planning system to actively manage patterns of growth to promote walking, cycling and public transport.
10. The appeal site is on a bus route with services running between Totnes and Newton Abbot and stopping at the nearby village of Ipplepen. There is a bus stop close to the site. However, I have not been provided with any details of the frequency of this service in order to determine whether it represents a reasonable alternative to the private car.
11. There are two industrial estates and a petrol filling station within an easy walking distance of the appeal site. More services and facilities are available in Ipplepen, approximately 0.8km from the appeal site. Whilst this is a reasonable distance to expect that occupiers of the appeal site might cycle or walk, I found that parts of the route from the appeal site to the village centre was on narrow roads without a pedestrian footway. Cars were parked on the road requiring pedestrians to step out into the road to pass them. This is very likely to act as a deterrent to pedestrians, particularly those walking with young children or with mobility difficulties.
12. I have had regard to the advice in paragraph 105 of the Framework which acknowledges that options for sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision-making. However, I am not satisfied that there are credible alternatives to the private car that would tempt occupiers of the proposed dwelling away from their cars as the primary mode of transport.
13. Given my reasoning above, I find that the proposal would be contrary to Policies S1 and S9 of the LP insofar as they seek to encourage sustainable transport choices by locating new development where it would promote public transport, cycling and walking and minimise dependence on cars.

Other Matters

14. I note the concern of a neighbouring resident with regards to the disposal of foul sewage but in the event that the appeal was allowed, I am satisfied that this could be adequately controlled by way of a condition.
15. The Council make reference to appeals on a neighbouring site at Park Hill House. However, I have not been provided with details of those appeals and as such, I can attribute very limited weight to them.
16. The appellant has referred to the draft Neighbourhood Plan. Whilst I note that it contains useful information with regards to Ipplepen such as the location of employment sites, population data and house price information, given its early stage of production and that it has not reached examination stage, I can give this only limited weight in my determination of the appeal.

Planning Balance

17. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this appeal, the relevant development plan is the Teignbridge Local Plan 2013-2033 adopted May 2014 (LP) and I have found that the appeal proposal would be at odds with the development plan.
18. The appellant argues that as the LP has not been reviewed in over five years, it should be considered out of date and thereby paragraph 11 of the Framework should be engaged. However, paragraph 219 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that it is their degree of consistency with the Framework which determines what weight should be given to them.
19. The Framework should be read as a whole and has sustainable development at its core, seeking to deliver housing in the most accessible locations and limiting development in areas such as open countryside where access to services and facilities required for everyday living are more limited and increase reliance on the private car. Policy S22 of the LP restricts residential development in the countryside in order to provide attractive landscapes, sustainable settlements and a resilient rural economy. Policies S1 and S9 of the LP require that new developments are located in areas which are accessible and well-related to compatible land uses such as to minimise the need to travel by car. In this respect, I find that the LP strategic policies for the distribution of housing largely accord with the Framework.
20. The appellant is proposing that the appeal dwelling would be a self-build which could be marketed to residents who already live locally. Accordingly, the appellant has put forward a suggested condition. However, the condition does not go far enough in terms of setting out how the marketing should take place, over what period and what happens if the marketing fails to yield a buyer. Rather than a condition, a planning obligation would be required to secure this and in the absence of any obligation to this effect, this is a matter I afford very limited weight.
21. No harm has been identified with regards to highway safety, design, the impact on the character and appearance of the area or living conditions. In this regard

I find that the proposal performs well against a number of other criteria in Policy S1 of the LP. However, rather than being benefits of the proposal, these are neutral factors in the planning balance.

22. I note the appellant has put forward a condition requiring the installation of electric vehicle charging facilities on site. The Framework identifies ultra-low and zero emission vehicles as a mode of sustainable transport. In this regard it would be possible to install electric vehicle charging points as part of the development. However, there would be no requirement on future occupants to use electric vehicles.
23. Turning to the benefits of the proposal, I am satisfied that there would be some economic benefits from the construction and occupation of a single dwelling and that biodiversity net gains could be achieved via a planning condition. I am also mindful of Paragraph 69 of the Framework in terms of the important contribution small sites can make to housing supply. However, as the appeal proposal relates to just a single dwelling, those benefits would be inherently limited and as such I afford these only limited weight.
24. At a late stage in the appeal, the appellant forwarded a copy of an appeal decision relating to Tollgate Farm at Chudleigh Knighton ¹. I am not clear how parallels can be drawn between the appeal scheme and a proposal for 60 dwellings elsewhere in the District. However, I note that the Inspector in that appeal concluded that the Council could not demonstrate a five-year housing land supply. Even if I concluded the same and applied the test in Policy S1A of the LP and paragraph 11 d) ii of the Framework, the adverse impacts I have identified in relation to the reliance on the private car and lack of reasonable alternative would significantly and demonstrably outweigh the benefits attributed to the erection of a single dwelling which I set out above.

Conclusion

25. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Alison Fish

INSPECTOR

¹ Appeal ref: APP/P1133/W/21/3273012