



Appeal Decision

Site visit made on 25 April 2023

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/J9497/W/22/3302228

Dunsford Reservoir, Dunsford EX6 7DR

- 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 Steve Rowe against the decision of Dartmoor National Park Authority (the DNPA).
 - The application Ref: 0186/22, dated 23 May 2022, was refused by notice dated 28 June 2022.
 - The development proposed is permission in principle for the reuse of an existing building to provide one domestic dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for permission in principle for the reuse of an existing building to provide one domestic dwelling at Dunsford Reservoir, Dunsford EX6 7DR, in accordance with the terms of the application, Ref:0186/22, dated 23 May 2022.

Main Issue

2. In accordance with the Planning Practice Guidance (the PPG) and the Town and Country Planning (Permission in Principle) Order 2017, Permission in Principle is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development (the first stage) from the technical detail (the second stage). The appeal proposal is at the first stage and therefore I have considered the principle of the scheme.
3. The PPG advises that the scope of permission in principle applications at the first stage, is limited to location, land use and amount of development. The amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings. In this case, permission in principle for a single dwelling is being sought. I have determined the appeal on that basis.
4. The main issue in this appeal is whether the principle of the proposed development is acceptable, having regard to local and national planning policy and in respect of the location of the appeal site, land use and amount of development.

Reasons

5. The appeal site comprises a triangular parcel of sloping land and disused covered reservoir structure located within the open countryside of Dartmoor National Park (the National Park). Whilst noting the presence of some dispersed

isolated housing within the surrounding area on Fulford Lane, from observations made on my visit, the site is located outside of Dunsford, and separated from that settlement by agricultural fields, and is in a prominent position visible from within the wider surrounding landscape of the National Park.

6. The development plan comprises the Dartmoor Local Plan 2018-2036 (the Local Plan). Strategic Policy 1.1 concerns delivering National Park purposes and protecting Dartmoor's special qualities. Strategic Policy 1.3 of the Local Plan guides new residential development based upon a hierarchy of local centres of population and smaller rural settlements. This spatial strategy seeks to focus development to sustainable locations and direct development away from areas of sensitivity or conservation importance. Strategic Policy 1.3 of the Local Plan identifies Dunsford as a Rural Settlement.
7. However, as noted above the site is outside of the settlement and therefore falls within the open countryside. Criterion 4 of Strategic Policy 1.3 of the Local Plan provides that in such locations development will be acceptable in principle: if it serves the proven need for rural enterprises; if it is for the provision of low impact developments which are well related to larger settlements; is for new business development which makes use of redundant buildings; would be householder development; would be necessary to sustain buildings of conservation value; would be for the provision of infrastructure or is needed for National Park purposes.
8. This is reinforced in the supporting text to Strategic Policy 3.1 of the Local Plan which provides that, within the countryside, broader housing needs of communities may be met through: rural workers' houses; subdivision of existing dwellings and, in locations well related to necessary services and infrastructure, conversion of suitable redundant historic buildings and small scale development that would have an exceptionally low environmental impact.
9. The appeal site is not well related to Dunsford in respect of its location. The proposal would conflict with the provisions of Strategic Policy 1.3 and would fail to accord with Strategic Policy 3.1 of the Local Plan. Whilst the proposal could represent small scale development that would have a low environmental impact, consideration of technical matters relating to heating and cooling systems would fall within the second stage.
10. Strategic Policy 1.2 concerns sustainable development and, amongst other matters, provides that development is sustainable where it takes place where it minimises the need to travel and makes efficient use of land and buildings with particular reference to prioritising the use of previously developed land (PDL).
11. The appeal proposal would be remote from local services and facilities, and it is noted that the site is not served by public transport. Access on foot or by bicycle to the services and facilities within Dunsford would require travelling along very steeply inclined, narrow lanes which do not benefit from lighting or pedestrian footways. As such, even when recognising the transport differences between urban and rural areas, it is likely that future occupants of the proposal would be heavily reliant on the use of private motor car to access day to day services and facilities reasonably required on a daily basis. The proposal would not therefore be located where the need to travel would be minimised. Consequently, the proposal would fail to accord with Policy 1.2 of the Local Plan in that regard.

12. The National Planning Policy Framework (the Framework) defines PDL as including land which is, or was, occupied by a permanent structure. The Framework also confirms that where a permanent structure has blended back into the landscape, such structures are excluded from the definition of PDL.
13. I have noted the DNPA's submissions regarding the partial excavation of the site since the application for permission in principle was made. However, as at the date of my visit and given the exposed elevations of the structure, the covered reservoir has not blended back into the landscape. Consequently, the appeal site would represent PDL in terms of the Framework. Given that conclusion, the proposal is supported by Policy 1.2 of the Local Plan with regards to efficient use of an existing building on previously developed land.
14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
15. Paragraph 80 c) of the Framework provides that isolated homes in the countryside should be avoided unless the development would "re-use redundant or disused buildings and enhance its immediate setting". The Appellant has put it to me that the appeal scheme would comply with the provisions of paragraph 80 c) of the Framework and, as such, would represent exceptional circumstances for residential development in the countryside of the National Park.
16. Whilst I note the DNPA's contention that support from paragraph 80 c) of the Framework requires consideration of design matters that form part of the second stage, there is in principle support within National Policy for the re-use of redundant buildings within the open countryside and which are isolated from services and facilities contained within settlements. Planning permission is not granted until the second stage has been approved and as such no planning permission exists until approval of the design of the scheme has been provided.
17. In conclusion of the above, whilst the proposal would fail to accord with the spatial and housing strategies of the development plan and would conflict with Policy 1.2 of the Local Plan with regards future occupants likely to be heavily reliant on private motor vehicles to access services and facilities, the appeal proposal would reuse a redundant building, making efficient use of PDL, and there exists material considerations that indicate the decision should be made other than in accordance with the policies of the development plan. In that regard, material considerations support the principle of development at this location.
18. Further to the development plan policies identified above, it is noted that the DNPA's decision notice also cited conflict with Strategic Policies 2.2, 2.6 and 3.5 of the Local Plan. However, Strategic Policies 2.2 and 2.6, which relate to conserving and enhancing biodiversity and protecting dark skies and tranquillity respectively, concern matters that fall for consideration at the second stage. Furthermore, Strategic Policy 3.5 concerns housing within villages and hamlets. Given the above conclusion regarding the location of the site outside of the settlement, Strategic Policy 3.5 does not apply in the determination of this appeal.

Other Matters

19. Interested parties raise further concerns regarding the proposal, on grounds of highway safety and design. However, such matters fall outside of the scope of considerations at the first stage and would form part of the assessment of the second stage of a permission in principle application.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed and permission in principle for one dwelling, is granted. As stated in the PPG, it is not possible for conditions to be attached to a grant of permission in principle. I have therefore not considered such matters in the determination of this appeal

Mr A Spencer-Peet

INSPECTOR