



Appeal Decision

Site visit made on 28 February 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/K1128/W/22/3299402

Welbeck Manor, Sparkwell PL7 5DF

- 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 Paul Yarnley of Victoria House Development Ltd against the decision of South Hams District Council.
 - The application Ref 3929/20/FUL, dated 30 November 2020, was refused by notice dated 23 November 2021.
 - The development proposed is described as '4No Detached Dwelling With Garages'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Paul Yarnley of Victoria House Development Ltd against South Hams District Council. This application is the subject of a separate Decision.

Preliminary Matters and Main Issues

3. At appeal stage, the appellant's submissions included revised plans relating to the internal layout of the proposed dwellings to overcome the Council's concerns in reason for refusal (RfR) number 3 about whether the proposal meets the Nationally Described Space Standards (NDSS). The Council have confirmed that the amended plans do overcome concerns regarding NDSS but not the second part of RfR3 relating to outside space.
4. The appellant's appeal submissions also included an Energy and Sustainability Assessment Report and additional drainage and levels details in order to overcome the Council's RfR numbered 4 and 5. The Council have confirmed that the submitted details, together with suitable conditions to secure compliance with the submitted information in the event that the appeal is allowed, sufficiently addresses their concerns.
5. The appeals process should not be used to evolve a scheme. However, in this instance, the amendments were submitted at the start of the appeal process. They do not relate to issues raised by interested parties during the application process and all parties have had sufficient time to consider the amended details. I am satisfied that no party would be prejudiced by my consideration of the amended plans and details and I have determined the appeal on that basis.
6. As a result, the main issues in this appeal are:

- Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the development plan and in terms of access to services and facilities;
- The effect of the proposed development on the character and appearance of the area;
- Whether the appeal proposal offers suitable living conditions for future occupiers; and
- If harm arises, whether this is outweighed by other material considerations.

Reasons

Spatial Strategy and Access to Services and Facilities

7. Policy TTV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019 (JLP) sets out the Council's development strategy across the Thriving Towns and Villages (TTV) Policy Area, supporting development which accords with the Council's settlement hierarchy of (1) Main Towns (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller villages, Hamlets and the Countryside.
8. Sparkwell is identified as a sustainable village. In such locations, Policy TTV1(3) of the JLP provides support for development proposals which meet locally identified needs and sustain limited services and amenities. There is no identified settlement limit but development outside built up areas is considered to be countryside, where Policy TTV26 applies.
9. Sparkwell has a linear form with development lining both sides of the road. The primary school, parish hall and public house are all located roughly central with cul-de-sac developments of housing adjacent. Welbeck Manor is located within its own grounds to the north east of the village. There is a clear change in character when accessing the Manor from the village. The built form of buildings lining the road gives way to open and expansive views across the golf course, to the wider landscape beyond. Welbeck Manor and its golf course are located within a parkland setting, set away from the main village.
10. Running along the north west boundary of the appeal site is a lane enclosed by hedgebanks and walls. The lane is narrow with a number of trees along its length which gives it an enclosed feel. Housing is located at dispersed intervals with intervening trees and hedges. The lane is rural in character and distinctly different in character to the road serving the primary school, public house and parish hall in Sparkwell which has a more open feel. Rather than consolidating the core of the settlement¹, the appeal proposal would further elongate its built form. As such, I conclude that the appeal site is not located within a sustainable village identified in Policy TTV1 (3) and is therefore located within the countryside.
11. Policy TTV1 (4) of the JLP permits development in the countryside only if it can be demonstrated to support the principles of sustainable development and sustainable communities, set out in the high level Strategic Policies SPT1 and SPT2 of the JLP, including as provided for in Policies TTV26 and TTV27 of the JLP.

¹ See Paragraph 11.49 of the Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document

12. Policy TTV27 relates to meeting local housing needs in rural areas, such as affordable housing for local people. This is not relevant to the appeal proposal, which is for open market dwellings.
13. Subsection 1 of Policy TTV26 relates to isolated development which the Council and the appellant agree is not relevant to the proposal before me. Subsection 2 of Policy TTV26 sets out the circumstances in which development in the countryside will be permitted such as the re-use of traditional buildings and where there is a proven occupational need that requires a countryside location. None of the criteria in Policy TTV26 apply to the proposal before me.
14. The creation of sustainable rural communities in Strategic Policies SPT1 and SPT2 of the JLP relies to a large extent on ensuring that development is located where there is good access to local services which meet daily community needs and in areas well served by public transport, walking and cycling opportunities.
15. Sparkwell has a primary school, parish hall, public house and a church. These are all within walking distance of the appeal site. However, the settlement does not have the necessary services required for day-to-day living such as a shop or medical facilities. As such, residents would be required to travel further afield to access these. I have not been advised that there are any shops or medical services within walking distance of the appeal site. There are no dedicated cycle routes and the roads leading away from Sparkwell are unlit, narrow rural lanes which would not make cycling an attractive proposition particularly in the dark or inclement weather.
16. Sparkwell is served by a bus service to Plymouth City Centre but with only four services a day this is a very limited service and would not offer a reasonable alternative to the private car. The appeal site is not in a location where occupiers of the proposed dwellings would regularly be persuaded to walk, cycle or use public transport. The private car would be the main mode of transport for occupiers of the appeal proposal.
17. To conclude, the proposal would introduce new housing into the countryside in a way which would not adhere to the distribution of development policies of the development plan including Policies ST1, ST2, TTV1 and TTV26 of the JLP. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

Character and Appearance

18. The appeal site is located within the former walled garden of Welbeck Manor. One of its remaining stone walls forms the boundary with the rural lane which runs along the north west boundary of the site. The height of the wall and limited width of the lane means that public views into the site are limited. However, the proposed dwellings are large, and although detached, they are located cheek by jowl with each other. As a result, views along the lane would be dominated by the presence of part of the upper floor and roof of the dwellings. The limited spacing between each property would provide little relief from the dominating effect. The mass, scale and spacing of the properties would be in stark contrast to dispersed pattern of development along the lane. It would have an urbanising effect in this countryside location which would be harmful to the rural character and appearance of the area.

19. The proposal is therefore contrary to Policy DEV20 of the JLP which seeks to ensure that proposals have proper regard to the pattern of local development and wider surroundings in terms of, amongst other things, siting, layout, visual impact, scale and massing.

Living Conditions

20. The Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document (SPD) sets out the requirement for a minimum useable outdoor amenity space for detached dwellings of one hundred square metres.
21. The garden area to the north west of each property would, as a result of the orientation of the properties and the presence of the substantial boundary wall, receive little in the way of daylight. As a result they are unlikely to be used for recreation. However, given the wide ranging rural views over the golf course, the roof terrace and enclosed garden area to the south east would be an attractive proposition and accordingly, well utilised. Together, the appellant states that these amount to an area which is in excess of the SPD requirement and this has not been disputed by the Council.
22. There would be some intervisibility between the roof terraces and garden areas of each of the properties. However, the submitted plans indicate a wall with a glazed screen above, to the side of each of the balconies. This would not prevent overlooking entirely but would limit it. This, together with the intervening driveways sited between each property would result in an acceptable relationship between each of the properties such that overlooking to an unacceptable extent would not occur.
23. The proposal would provide a satisfactory level of private outdoor amenity space and as such, I find no conflict with Policy DEV1 of the JLP which seeks to support good residential amenity. In the absence of evidence to the contrary, I also find no conflict with Policy DEV2 which seeks to avoid harmful environmental impacts or health risks arising from soil, air, water, land, noise pollution or land instability.

Other Considerations

24. There is an extant planning permission² relating to the provision of two dwellings on the appeal site. The circumstances surrounding the grant of that permission, particularly in respect of housing land supply, are unclear. However, what is clear is that the permission was granted prior to the adoption of the JLP. In addition, one of the dwellings resulted from the conversion of an existing lean-to barn and the proposal was for only two dwellings. The circumstances surrounding the extant permission appear to differ from the proposal before me now. I have therefore had regard to the extant permission but the weight I attribute to it is limited.
25. Similarly, the nearby development of 22 dwellings was granted planning permission prior to the adoption of the JLP. The development included 50% affordable housing and has a closer relationship with the built form of Sparkwell. For these reasons, the weight I attribute to it is limited.

² Local planning authority Ref: 4400/17/FUL

26. The appellant argues that the financial viability and future of Welbeck Manor and the golf course will be boosted by the sale of the proposed dwellings and that this will assist with securing employment and boost tourism. However, there is no mechanism before me to secure this. I therefore give this limited weight.
27. There would be benefits to the local economy from the construction and occupation of the dwellings. There would no doubt be increased patronage, spend and some social benefits to the local area arising from future residents, which may modestly support businesses and services in the area. Paragraph 69 of the Framework acknowledges that small and medium sites can make an important contribution to meeting the housing requirement of an area and can be built out quickly. However, the Council have a five year housing land supply and are already meeting the housing requirement of the area. As such, I give these benefits modest weight overall.
28. Biodiversity enhancements and the restoration of three walls of the former walled garden are proposed and I give these modest weight.
29. The proposed dwellings would be energy efficient and low carbon. This would achieve compliance with Policy DEV32 of the JLP, and as such is neutral in my consideration of the appeal. The absence of harm in relation to parking and flood risk are also neutral factors which do not weigh in favour of the proposal.
30. My attention has been drawn to Policy DEV8 of the JLP which seeks to broaden the choice of available housing and redress an imbalance in the existing housing stock. The 2021 baseline data for Sparkwell indicates a relative under-provision of four bedroom dwellings. In seeking to address the Council's concerns regarding the NDSS, the revised floor plans indicate three bedrooms to each property. However the '2nd lounge/garden room' on the ground floor could reasonably be used as a fourth bedroom. In this respect, the proposal performs well by providing four bedroom properties in an area with an undersupply and I give this moderate weight.
31. Paragraph 85 of the Framework encourages the use of previously developed land where suitable opportunities exist. However, I have identified that the appeal proposal would not encourage walking, cycling or the use public transport and would harm the character and appearance of the area. As such, the appeal proposal would not constitute a 'suitable opportunity'.
32. I have found that the proposal would conflict with the development plan and I have given this substantial weight. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. The cumulative benefits of the proposal would be moderate and do not indicate a decision should be taken other than in accordance with the development plan.

Other Matters

33. I have considered other matters raised by interested parties including, but not limited to, highway safety, living conditions and ecology but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.
34. The Council suggest that the appeal scheme would have a significant in combination adverse effect on the integrity of the Plymouth Sound and

Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA) without mitigation. However, given my overall conclusion, the proposal would have no effect on the SAC or SPA and therefore I have not considered this matter further.

35. As the appeal has been dismissed, there would be no effect on the setting of nearby listed buildings or on existing education provision and therefore these points do not require further discussion.

Conclusion

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

Alison Fish

INSPECTOR