



Appeal Decision

Site visit made on 11 October 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/J9497/W/23/3315797

**Land at Leigh Cross, Teign Village, Bovey Tracey, Newton Abbott
TQ13 9QH**

- 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 Jonathan Hole against the decision of Dartmoor National Park Authority.
- The application Ref 0441/22, dated 16 September 2022, was refused by notice dated 6 January 2023.
- The development proposed is 1 affordable dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would be in a suitable location, and its effect on the character and appearance of the area.

Reasons

Whether the proposed development would be in a suitable location

3. The appeal site forms part of an undeveloped field, close to Teign Village. Strategic Policy 1.3 of the Dartmoor Local Plan 2018-2036 adopted December 2021 (LP) identifies this settlement as a Village or Hamlet. Furthermore, LP Strategic Policy 3.5 sets out that affordable housing will be permitted on sites within or adjoining these settlements.
4. The proposed development would involve the provision of one 'intermediate' dwelling, and as such, would accord with the definition of affordable housing. Within the LP, Villages and Hamlets do not have identified settlement boundaries. Nevertheless, the Council has published a document entitled Topic Paper 4 – Vision and Spatial Strategy September 2019 (Topic Paper), which sets out a methodology for identifying boundaries for the larger settlements in the area. While this does not apply to Villages and Hamlets, and is not adopted policy, the Topic Paper is a material consideration, and in the absence of any alternative, it is appropriate to assess the proposal against the criteria set out within it.
5. Among other things, the Topic Paper sets out that settlement boundaries should be drawn tightly around the built form of settlements, and that they should relate to defined physical features. In this instance, the built form of the village ends at the boundary of the garden associated with the dwelling known as 'Hadlywood'. The appeal site is separated from the garden by a short gap

and then a barn which is in equestrian use. The Topic Paper sets out that such uses should be omitted from settlement boundaries. The appellant has suggested that the site is being used as a business. However, even if that were the case, it is still being utilised as an equestrian facility. Therefore, based on the criteria set out within the Topic Paper, the appeal site is not located within or adjoining the settlement of Teign Village.

6. Furthermore, I observed on my site visit that the urban form within Teign Village is fairly tight knit. When walking eastwards along the road, away from the dwelling known as Hadlywood, the character of the area quickly becomes very rural and verdant with hedgerows either side. Indeed, there is a clear perception of moving away from the village and into the surrounding countryside before reaching the appeal site. The presence of the equestrian facility in between adds to one's sense of having left the village given that such uses are common in countryside areas. As such, even if I were to disregard the Topic Paper entirely, it is clear to me that the appeal site does not adjoin the settlement, either physically or visually. It is therefore within the open countryside wherein new dwellings, including affordable uses, are regarded by LP Policy 1.3 as being inappropriate.
7. I therefore conclude that the proposed development would not be in a suitable location and that it conflicts with LP Strategic Policies 1.1, 1.2, 1.3, 2.6, 3.1 and 3.5. Taken together, the relevant aspects of these policies seek to ensure that new development is sustainable, well located and that it preserves the beauty and tranquillity of the area. It is also contrary to the relevant aspects of the English National Parks and the Broads UK Government Vision and Circular 2010 (the Circular) and the National Planning Policy Framework (the Framework) which have similar aims.

Character and Appearance

8. The existing field, of which the appeal site forms part, slopes gently away from the road down to a watercourse before the landscape rises again beyond. While there are barns nearby, the site has a very rural, tranquil and verdant character. Paragraph 176 of the Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
9. The proposed development would provide a single storey, three-bedroom dwelling. While the appellant has noted that the building has been designed to make as little impact as possible on the surrounding landscape, it would still introduce built form onto a site where there is currently none. Furthermore, the dwelling would be situated at the highest point of the field, and even taking account the proposed planting, it would be visible from the road. In addition, while there is an existing access into the field, the proposed driveway and associated domestic paraphernalia would also be easily seen. While lighting can be controlled to some extent by condition, lighting within the dwelling would make it even more apparent during the hours of darkness. Given the very rural nature of the surroundings, a residential dwelling in this location would appear highly incongruous and out of place within its immediate setting. It would therefore result in harm by eroding the tranquil and verdant character that currently exists. As a result, it would neither conserve or enhance the landscape and scenic beauty of this part of the National Park.

10. The external appearance of the dwelling would largely accord with the style of buildings seen elsewhere on Dartmoor, including a slate roof and the use of local stonework. The use of glass would also be relatively modest. However, while the appearance of the building would not be harmful when considered in isolation, this does not overcome the issues that I have identified above.
11. The proposed development would therefore harm the character and appearance of the area and would therefore be in conflict with LP Strategic Policies 1.1, 1.2, 1.3, 1.5 and 2.6. Taken together the relevant aspects of these policies seek to preserve character and appearance. It would also conflict with paragraph 176 of the Framework and the relevant parts of the Circular which have similar aims.

Other Matters

12. The appellant has provided a draft planning obligation to secure the proposed dwelling as an affordable home. However, as I am dismissing the case there is no requirement for me to consider this matter further.
13. I note the need for affordable housing in this area and also recognise the effort that the appellant has made to buy or build a home in the village. However, the provision of one affordable dwelling, with the associated economic benefits, can only attract limited weight. Furthermore, the appellant has set out that the appeal site is the closest available site to the village. While I understand the constraints that exist, there is no substantive evidence before me to confirm whether or not other sites could be available for the proposed use, and therefore this again only attracts limited weight.
14. The LP does contain policies that seek to improve the wellbeing of local people. However, the development plan must be read as a whole, and in this instance the combination of benefits do not outweigh the identified harm which I must afford great weight to, as required by the Framework.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR