



Appeal Decision

Site visit made on 10 October 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/U1105/W/23/3315470

1 Colliton Cross, Broadhembury, Devon EX14 3LQ

- The appeal is made under section 78 of the Town and Country Planning Act (the Act) 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr Luke Drakes against the decision of East Devon District Council.
- The application Ref 22/2389/PIP, dated 25 October 2022, was refused by notice dated 9 December 2022.
- The development proposed is a single dwelling house and garage on amenity land.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form, amended to remove words which are not acts of development.
3. The proposal is for permission in principle (PIP). The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The PIP consent route has two stages: the first stage (or PIP stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
5. A plan showing the site layout and floor plans has been submitted, which is clearly marked as indicative. This shows a two storey, four bedroom dwelling, and it was that size and scale of development that was considered by the Council. I have therefore considered the appeal in the same manner.

Main Issue

6. I note that the Council and appellant agree that the proposal is acceptable in relation to the land use and amount of development. I see no reason to disagree. As a result, the main issue is whether the site is suitable for

¹ Paragraph: 012 Reference ID: 58-012-20180615; Revision date: 15 06 2018

residential development having regard to its location in relation to access to services and facilities.

Reasons

7. The appeal site is a level parcel of amenity land located in the countryside south-east of Broadhembury. Its boundaries are marked by hedgerows and post and rail fencing, and it is positioned adjacent to the southern garden boundary of No 2 Colliton Cross. The site is accessed from a rural lane, connecting to the A373, which passes close to the north. Alongside a nearby dwelling, No 1 and No 2 Colliton Cross form a small cluster of houses. Whilst the appeal site relates well to the location of these dwellings, as a group they are in an isolated location outside of any built-up area boundaries, and are remote from services and facilities.
8. Strategy 5B of the East Devon Local Plan (the Local Plan) relates to the Council's objectives of promoting and securing sustainable modes of travel and transport. It sets out that development will need to be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport. These provisions are emphasised by Local Plan Policy TC2 which also requires new development to be located so as to be accessible by pedestrians, cyclists and public transport.
9. The appellant has indicated that the occupiers of the proposed dwelling would have access to sustainable public transport in the form of bus routes which link the appeal site with Honiton and Cullompton on the A373. Despite the close proximity of bus stops on these routes, from the evidence before me, the public transport services available appear to be very infrequent. They would not meet the majority of transport needs for new occupiers, for example, by providing a suitable means to commute to and from work on a daily basis.
10. Although this situation is already present for the neighbouring dwellings, the limitations of the bus services are such that they would not provide an attractive alternative to the use of the private motor vehicle for new occupiers of the proposed dwelling. Whilst the addition of one dwelling would not generate significant levels of vehicle movements, it would result in a negative environmental effect in terms of the use of natural resources and negative social effects in terms of accessibility to local services. I also note that whilst the Council could retain some control over the provision of electric vehicle charging points at the technical details stage, the primary reliance on private vehicles would remain.
11. I therefore conclude that the site is not suitable for residential development, having regard to its location in relation to services and facilities. As such the proposal would conflict with Strategy 5B and Policy TC2 of the Local Plan. It would also conflict with the National Planning Policy Framework (the Framework) where it seeks to promote the use of sustainable transport modes.

Planning balance

12. Both parties agree that the Council cannot currently demonstrate a 5 year housing land supply, and so paragraph 11d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

13. I have found that the proposed development would conflict with Strategy 5B and Policy TC2 of the Local Plan. On that basis, although the proposed development may not conflict with other policies of the development plan, I consider that the proposal would conflict with the development plan as a whole.
14. In the context of the Government objective to significantly boost the delivery of housing, a single dwelling would make a small but important contribution towards the provision of housing in the area. The appellant has also indicated that the dwelling would be a self-build property of a high-quality design, which would accommodate the growing needs of their family. Whilst high-quality design is an objective of the Framework, at this first PIP stage, the design of the dwelling is not under consideration and therefore carries very limited weight in favour of the proposal. Similarly, the proposal is not described as a self-build dwelling, and it is not possible to enter into a planning obligation, for example through an agreement under Section 106 of the Act, to secure it as such at the initial PIP stage. The provision of a larger property would be a predominantly personal benefit to the appellant, and taken together, I find that the benefits of the proposed dwelling would be modest.
15. However, the proposal would result in an unsustainable and inaccessible location for development. In this respect the proposals would conflict with the development plan and national policy. This is a matter which significantly and demonstrably outweighs the modest benefits of the proposal when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. For the reasons given above, I find that the proposal conflicts with the development plan when read as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it the development plan. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR