



Appeal Decision

Site visit made on 24 January 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/Q1153/W/23/3327322

Land in front of Higher Edgcumbe Farm, Milton Abbot, Devon

- 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 Robert Pratt, DW Ltd against the decision of West Devon Borough Council.
 - The application Ref 4350/22/FUL, dated 12 December 2022, was refused by notice dated 5 July 2023.
 - The development proposed is erection of new, 4-bedroom family dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal address and description of development as set out above from the application form as this adequately identifies the site and as neither party has provided written confirmation that a revised description has been agreed.
3. During the course of the appeal a signed Unilateral Undertaking under S.106 of the Town and Country Planning Act 1990 (as amended) was submitted to mitigate any impacts from the proposal on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). I will return to this below.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy.

Reasons

5. The appeal site is an open area of land adjacent to a paddock with the B3362 beyond to the south. There are fields to the west with Higher Edgcumbe broadly to the north and Middle Edgcumbe Barn broadly to the east. There are no buildings on the appeal site and despite the scattered presence of some limited manufactured materials on the site, there is limited other compelling evidence of any established previous non-agricultural use. Access is gained from a lane to the north-east of the site that can be accessed off the B3362 or via a lane leading to Milton Abbot.
6. The development plan for the area includes the Plymouth and South West Devon Joint Local Plan 2014-2034 (March 2019) (JLP). Policy SPT1 of the JLP sets out the strategic objectives for the plan area using economic, social and

environmental principles. Policy SPT2 relates to the creation of neighbourhoods and communities. It states that, amongst other things, they should have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities and are served by public transport, walking and cycling opportunities.

7. The hierarchy of settlements is set out in JLP Policy TTV1 with the largest settlements to receive the highest proportions of growth. Milton Abbot is defined as a Sustainable Village where development to meet locally identified needs and to sustain limited services and amenities will be supported. Policy TTV1 and Paragraph 5.5 of the JLP clarify that whilst the plan does not define settlement boundaries, Neighbourhood Plans may choose to identify them. In this regard, the Milton Abbot, Chillaton and Kelly (MACK) Neighbourhood Plan 2022 to 2034 (March 2022) (NP) identifies the settlement boundary for Milton Abbot. The appeal site falls outside of the identified settlement boundary.
8. Given that the appeal site is located approximately 0.5km outside of the settlement boundary with open countryside in between, the appeal site falls within the countryside for the purposes of Policy TTV1 of the JLP. As a result, Policy TTV25 of the JLP related to development in Sustainable Villages does not apply to the appeal proposal. In such circumstances, Policy TTV1 of the JLP and Policy 9-4 of the NP state that development outside built-up areas in the countryside will be considered in the context of Policy TTV26. Policy TTV2 sets out the further priorities for rural sustainability.
9. JLP Policy TTV26 concerns development in the countryside with the first part relating to isolated development. As stated above, and although the appeal site is located adjacent to existing dwellings, it is physically separate and remote from Milton Abbot and other settlements. As a result, for the purposes of Policy TTV26 of the JLP, I find that the site is isolated and the first part of Policy TTV26 applies. Part 1 states that isolated development in the countryside will be avoided and only permitted in exceptional circumstances. The proposal does not meet any of the exceptional circumstances listed. With regard to Part 2 of the Policy, the proposal would not transgress any requirements but would not receive support based on specific accordance with it either.
10. Policy DEV8 of the JLP seeks to deliver a wide choice of homes including a mix of housing sizes and types, supported by local housing need evidence. This includes homes that redress an imbalance in the housing stock and dwellings suited to younger people and working families. I note that the proposal would be a self-build home for the working appellant and his growing family. It would enable the family to move back to the village, and to live adjacent to parents and grandparents. However, the evidence before me from the Strategic Housing Market Needs Assessment suggests a need for smaller homes with the housing data from the 2011 Census indicating that the parish is already well served by detached dwellings of three bedrooms or more. In light of this, a further four-bed detached dwelling would not deliver a wider choice of housing or redress the imbalance in the local housing stock. I note the findings in relation to this matter in an appeal drawn to my attention¹, but from the evidence before me that appeal site is in a different area and not comparable due to a different mix of housing stock. Whilst I do however acknowledge that

¹ APP/Q1153/W/22/3292581

the impact from one additional dwelling would be very marginal, the proposal would nonetheless fail to redress the imbalance and provide a wider choice of homes.

11. Given the location of the site approximately 0.5km from Milton Abbot accessed via unlit roads with no footways, in combination with the limited availability of public transport, it would be likely that the majority of journeys to the site would be made via the private car. This would undermine the aims of policy DEV29 that amongst other things, seeks to promote sustainable transport and locate new homes in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.
12. I have considered the location of Milton Abbot School roughly the same distance from the centre of Milton Abbot as the appeal site and that the appellants daughter attends the school. However, with the appeal site located on the opposite side of the settlement accessed partly via unlit roads with no footways, it would not make walking or cycling to the school attractive for most, particularly in the darker and colder winter months.
13. It follows from the above that I conclude that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy. As a result, the proposal conflicts with JLP Policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV8, DEV29 and Policy 9-4 of the NP. The proposal is also contrary to the Framework that seeks to avoid isolated homes in the countryside and promotes sustainable transport. This weighs heavily against the proposal.
14. The decision notice references Policy DEV15(6 and 8ii) but as this policy relates to improving the balance of jobs and diversifying the rural economy, it is not directly applicable to the appeal proposal for an open market dwelling. The decision notice also references Policy DEV32 of the JLP but given the submitted Carbon Reduction Statement and the policy being aimed mainly at on-site measures, the proposal would generally comply with this policy.

Other Considerations

15. The appellant has drawn my attention to other appeal decisions at Land to the rear of Edgumbe Terrace, Milton Abbot², Land Opposite Wilminstone Industrial Estate, Tavistock³ and Land at Cross Roads Farm, Lewdown⁴. However, each of these appeal sites have a different relationship with their respective nearest settlements such that they are not directly comparable to the current appeal. Moreover, I am required to consider the current appeal on its merits.
16. The proposal would help to boost the supply of housing and provide some benefits to the local economy/shops, pub and to employment in the area. Nonetheless, given the small scale of the proposal, these benefits would be limited.
17. I have had regard to the lack of harm to living conditions, flood risk and surface water drainage and to the Carbon Reduction Statement. However, as these are requirements of local and national planning policy, they are neutral in my consideration of this appeal.

² APP/Q1153/W/21/3282968

³ APP/Q1153/W/21/3289369

⁴ APP/Q1153/W/22/3299678

18. I have also had regard to the support for the proposed development from the Parish Council and the reasons why it believes that the proposal is justified as an exception to Policy 9-4 of the NP. I have addressed a number of these reasons above. Furthermore, the other reasons put forward with regard to the provision of an affordable home for the appellant, benefit to the parents and grandparents from living adjacent, and improving the appearance of the site are not exceptional and as a result I give them limited weight in favour of the appeal.
19. The site falls within the Zone of Influence for new residents having a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). However, as I am dismissing the appeal for other reasons, I do not need to consider this matter, the submitted Unilateral Undertaking, or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

20. For the reasons given above I conclude that the appeal proposal conflicts with the development plan taken as a whole. There are no material considerations, including the provisions of the Framework, which indicate a decision should be taken other than in accordance with the development plan. As such, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR