



Appeal Decision

Site visit made on 19 December 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/J9497/W/23/3325327

Rose Villa, Bedford Road, Horrabridge, Devon PL20 7QW

- 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 Billie Lee against the decision of Dartmoor National Park Authority.
 - The application Ref 0125/23, dated 30 January 2023, was refused by notice dated 23 May 2023.
 - The development proposed is a new single local needs custom build dwelling, garage and associated landscape works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this.

Main Issues

3. The main issues are:
 - whether the proposed development would accord with the development plan's strategy for the distribution of housing in the National Park, including its location and the provision of affordable housing; and
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the landscape and scenic beauty of Dartmoor National Park and the setting of the Horrabridge Conservation Area.

Reasons

Location

4. The appeal site is part of the garden belonging to Rose Villa, a residential property in the Local Centre of Horrabridge. The settlement boundary of Horrabridge, as marked out by the Dartmoor Local Plan 2018 – 2030 (LP), runs through the southern extent of the site. As such, a small part of the site is technically within the settlement. However, the majority of the site and the

- proposed dwelling itself would be beyond the boundary, albeit adjoining it. The proposal is therefore in the open countryside for the purposes of the LP.
5. Policy 1.1 of the LP sets out that development should not prejudice the statutory National Park purposes, which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Further, the policy states that development which complies with the policies in the LP will be considered consistent with the National Park purposes.
 6. Policy 1.3 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.
 7. Policy 3.1 sets out the housing strategy for the National Park, which is to meet the local need of primarily affordable housing. The preamble to the policy sets out the challenge posed by high housing unaffordability, which is making it difficult for local people and workers to live locally. As such, the housing strategy is to deliver a sufficient number of homes each year to enable the delivery of affordable housing to meet local needs, with open market housing limited to cross-subsidising that affordable housing delivery.
 8. Part 4 of Policy 1.3 considers development in the open countryside and it seeks to strictly limit development opportunities to those that need to take place outside classified settlements. The proposal does not meet any of the forms of new dwellings that would be supported as listed in the policy, and therefore, conflicts with it.
 9. As established above, the site adjoins the settlement boundary of Horrabridge. Paragraph 7.1.3 of the LP sets out that development either 'within', 'adjoining' or 'well related' to a settlement can be appropriate. However, it also makes clear that there is an overarching aim to prevent the encroachment of development into the open countryside.
 10. Policy 3.4 of the LP considers housing development in Local Centres, such as Horrabridge. At Part 4 of the policy, it sets out that in exceptional circumstances involving an identified need for affordable housing within the settlement boundary not being met, new housing development will be approved on suitable sites adjoining the settlement boundary. However, it is made clear that development proposals on such sites are limited to 100% affordable housing. Given that the appeal before me is not for affordable housing, the proposal does not comply with Policy 3.4.
 11. Instead, the appellant is proposing a local needs custom build dwelling. I have been provided with a letter from the National Park Authority (NPA) confirming that the appellant is eligible in principle for a local needs custom build dwelling in the settlement of Horrabridge.
 12. Policy 3.6 of the LP supports, in principle, local needs custom and self-build housing that is restricted to 93m² and occupied by a Local Person in perpetuity. However, the preamble to the policy, in particular Paragraph 3.7.1, caveats that that support is restricted to proposals within a settlement. This is reflected in Paragraph 3.2.6 of the LP when it states that *Local Plan policy encourages*

this type of housing on smaller sites or through conversions within Local Centres, Rural Settlements and Villages and Hamlets. In my judgement, it is therefore the intention of the policy to encourage local needs custom and self-build housing to be constructed within settlements, not outside them.

13. Moreover, the policy further states that custom and self-build housing needs to be in accordance with the strategic housing policies relevant to the site location, i.e., Policies 3.3, 3.4 or 3.5. As the location of the appeal site does not accord with the strategic housing policy relevant to the site location, Policy 3.4, the proposal does not gain support from Policy 3.6.
14. When considering the aim of Policy 3.6 for local needs custom and self-build housing to be within a settlement, as set out in its preamble, together with the requirement of Policy 3.4 for housing on sites adjoining settlements to be 100% affordable housing, the proposal for a local needs custom-build scheme comprising no affordable housing would conflict with the housing strategy of the National Park.
15. Furthermore, having regard to the identified conflict with the development plan policies, the proposed development would result in unjustified countryside encroachment and failure to comply with the specified distribution of development within the National Park, which in turn would result in harm in achieving the planned spatial strategy across the National Park.
16. The appellant submits that the proposal can be considered to comply with Policy 3.12 of the LP, which relates to low impact residential development. However, in particular, Part (h) of Policy 3.12 confirms that the policy requires the ongoing residence at the site to have a low environmental impact as well as the construction itself. This is clarified in the preamble to the policy where it confirms that robust evidence in the form of a Business and Improvement Plan must be provided to quantify *how the inhabitants' requirements in terms of income, food, energy and waste assimilation can be obtained directly from the site*, and to demonstrate that *land use activities proposed are capable of supporting the needs of the occupants within a reasonable period of time and no more than 5 years from first occupation*. Working from home would not qualify as compliance with this requirement of Policy 3.12 and the policy is therefore not applicable to this appeal.
17. For these reasons, I conclude that the proposed development would conflict with Policies 1.2 and 3.1 of the LP, which collectively seek, in part, to achieve sustainable development and meet the housing needs of the National Park. The proposal would also conflict with Policies 1.1, 1.3, 3.4 and 3.6 for the reasons mentioned above. There would also be a conflict with the NPA's Housing Supplementary Planning Document (February 2022) insofar as it elaborates on the requirements of the housing policies of the LP. Additionally, the proposal would conflict with the Framework insofar as it states that decisions should be responsive to local circumstances and support housing developments that reflect local needs, which in this case is for affordable housing.

Character and appearance

18. The site is within Dartmoor National Park. In accordance with Paragraph 182 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in protected landscapes.

19. The Horrabridge Conservation Area Character Appraisal (September 2011) identifies the settlement as possibly originating in the 14th Century and that it was established as a crossing point of the River Walkham. It grew in later centuries as a result of the industrial purposes of wool processing, mining and farming. Little of the settlement's medieval routes survive apart from the Grade I listed bridge and fragments of the Chapel of John the Baptist.
20. The Horrabridge Conservation Area (CA) encompasses the historic core of the settlement around the river crossing and the immediate areas around the roads emanating from the core. The appeal site is located adjacent to the boundary of the CA. The significance of the CA derives, in part, from the traditional appearance of the historic buildings and the extent to which their legibility is still intact, as well as the settlement's relationship to the river and its industrial past.
21. The buildings in the CA are predominantly two storey dating from the 18th and 19th Centuries. They are mainly rendered and range from small cottages to villa type dwellings. Although there are some examples of stone faced buildings. The roofs are often stepped from one building to another and they are predominantly finished in natural slate. Rose Villa and the residential properties around it are identified in the Conservation Area Character Appraisal as historic buildings that have been subject to modern alterations.
22. The site's undeveloped nature, set upon sloping land forming part of the gentle transition from the riverside urban environment to farmland on higher ground that eventually leads into the moorland, contributes positively to the significance of the CA's setting.
23. Rose Villa is set down on lower ground level than the site, which is steeply sloping at the southern extent of the site and significantly flatter on the higher ground. There are two substantial trees near the southern boundary, which I understand are a Norway spruce and a common beech. The NPA have indicated that these trees are earmarked for Tree Preservation Orders. At the time of my visit, the beech had dropped its leaves and I noted that the spruce appears to have reduced foliage. Both were providing limited screening of the site from viewpoints to the south. However, I acknowledge that during the spring and summer months, the beech would provide substantially more screening.
24. The proposal is for a two bedroom dwelling that would be constructed into the sloping land as a split level building and would have a contemporary form and appearance. The exterior would be predominantly finished in granite stone under a flat grass roof. Substantial areas of glazing would be installed in the southern elevation. The contemporary form would not be reflective of, or respond sympathetically to, the existing traditional vernacular around the site, including within the adjacent CA. As such, it would not be in keeping with the character of the site or its surroundings.
25. Glimpses of the site can be seen from Bedford Road and the curtilage of Rose Villa itself, both of which are within the CA. Whilst the existing planting around the site, bolstered by the proposed landscaping along the boundary with Rose Villa, would help to break up the form of the proposed development, the proposal would become heavily reliant on the vegetation to prevent views of the incongruent development. As mentioned above, this would likely only serve its purpose for approximately half of the year. During the autumn and winter months, the development would become readily more visible, particularly from

Before Road. Even when the trees are in leaf, there would still be the potential to pick up the large expanses of glazing through the foliage. Longer range viewpoints of the site are limited, but this does not alter the finding that the proposal would form a discordant addition amongst its immediate setting and the rural hinterland around the settlement. Whilst there are established residential entrances along Jordan Lane, the proposed development and its overtly modern appearance would become easily readable from the lane and therefore visually obtrude into this viewpoint.

26. The proposed development would not protect or enhance the landscape and scenic beauty of the National Park, nor would it conserve or enhance the setting of the CA and its historic significance.
27. In terms of the setting of the CA, Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
28. Given the scale and nature of the proposals, I consider that the degree of harm to the significance of the relevant designated heritage asset in this case would be less than substantial, which Paragraph 208 of the Framework indicates should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
29. The appellant submits that the proposal would provide a new custom-built dwelling for a local family that work from home, through what the appellant describes as a site specific proposal using high-quality design and materials and resulting in low visual impact. In addition, it is stated that indigenous biodiversity would be provided through the proposed landscaping and that there would be sustainability and ecological benefits. However, it has not been sufficiently demonstrated that the provision of a single dwelling and the associated benefits of the appeal scheme, namely matters relating to biodiversity, sustainability and ecology, could not be achieved in a less harmful way.
30. The weight I can therefore attribute to the appellant's asserted benefits is modest and not sufficient to outweigh the less than substantial harm to the setting of the designated heritage asset.
31. My attention has been drawn to a planning permission granted in May 2023 for up to five dwellings on Whitchurch Road, Horrabridge¹. The appellant asserts that that development involves using agricultural land in an elevated position with poor access, and that the negative impacts of that permission strongly contrasts with the positives of the appeal proposal. Apart from the decision notice that has been provided by the NPA, I have little detail before me regarding that permission and I cannot, therefore, make any meaningful comparison between that permission and the appeal proposal.
32. For these reasons, I conclude that the proposed development would conflict with Policies 1.2, 1.5 and 2.7 of the LP, which collectively seek, in part, to conserve and enhance the character and quality of the National Park, respect Dartmoor's vernacular and conserve and enhance heritage assets and their settings. There would also be a conflict with the Dartmoor National Park Design Guide (November 2011) insofar as it elaborates on the requirements of the

¹ Dartmoor National Park Authority planning application reference 0085/22

design and landscape protection policies of the LP. Additionally, the proposal would conflict with the natural and historic environment protection policies of the Framework.

Conclusion

33. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. It also conflicts with the Framework and other material considerations do not indicate that I should make a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR