



Appeal Decision

Site visit made on 23 April 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/J9497/W/23/3330483

**Cummings, road from Five Acres to Cummings Cross, Liverton, Devon
TQ12 6HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Lucy Bomford against the decision of Dartmoor National Park Authority.
 - The application Ref is 0318/23.
 - The development proposed is new custom-build dwelling for a local person.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development having regard to the local housing strategy; and if not, whether there are any other considerations that justify a decision otherwise than in accordance with the development plan.

Reasons

Housing strategy

3. The appeal site forms part of a garden associated with a large property. There are other properties nearby, including those that form part of the neighbouring authority's village of Coldeast. However, the appeal site is on the side of a rural lane bound by attractive, species rich fields within the open countryside. The closest defined settlement within the Dartmoor Local Plan 2018-2036 December 2021 (LP) is approximately 600m away.
4. The overall purpose of the LP is set out in Strategic Policy (SP)1.1. This seeks to conserve and enhance natural beauty, wildlife, and cultural heritage. It also aims to promote opportunities for the understanding of the National Park's (NP) special qualities. Development that complies with policies in the LP are considered consistent with the NP's purposes.
5. SP1.2 of the LP supports sustainable development principles across the Authority. Amongst other things, it promotes development that supports access to housing and promotes development that takes place where it minimises the need to travel.
6. The housing strategy within the LP is to focus housing towards the most sustainable settlements, defined as Local Centres within SP1.3 of the LP. This is where the mix of people, homes, jobs, and infrastructure make for the most

efficient use of resources, minimising the effects on climate change. Outside the Local Centres, rural settlements, villages, and hamlets that are specifically defined can accommodate some modest housing to meet identified local housing needs. Outside these classified settlements, development is necessarily restricted, in part, to farming, forestry or other land based rural businesses with a proven need to locate in the countryside.

7. In these areas SP2.6 of the LP only permits development that conserves or enhances tranquillity and dark night skies. There is little evidence of any conflict in this regard.
8. SP3.1 of the LP sets out the approach to delivering local needs and affordable homes within and adjoining defined settlements. SP's 3.3, 3.4 and 3.5 of the LP provide the circumstances where, amongst other things, local needs custom and self-build housing can be supported within the defined settlements. Exceptionally, where there is an identified affordable housing need, sites adjoining these defined settlements can be appropriate. This is consistent with the English National Parks and the Broads UK Government Vision and Circular 2010 (VC).
9. Custom and self-build housing is encouraged within Policy 3.6 of the LP, with detail amplified within the Council's draft Housing Supplementary Planning Document, December 2023 (SPD). This could be as affordable housing, local needs occupied by a local person in perpetuity or unrestricted market housing. However, developments must accord with the aforementioned strategic housing policies relevant to the site's location. In that context, the supporting text says that policies for housing development within classified settlements support the development of custom and self-build housing.
10. The evidence shows that the appellant would be likely to meet the criteria for local needs custom and self-build. However, I have been provided with no such mechanism to secure this, or its long-term occupation as an affordable home. In any case, Policy 3.6 of the LP does not support legally tied or unrestricted self-build proposals outside defined settlements. Although not explicitly stated within the Authority's reason for refusal, there would be conflict with it. There would also be conflict with the housing strategy that is central to the overall purpose of the NP.
11. Therefore, I conclude that the site is not a suitable location for the proposed development, having regard to the local housing strategy. There would be conflict with SP1.1, SP1.2, SP1.3 and policies 3.1 and 3.3 of the LP. There would also be conflict with the Council's SPD and the VC.

Other considerations

12. I have found that the development would conflict with the development plan in that it is contrary to the housing strategy for the Authority.
13. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the National Planning Policy Framework (the Framework).
14. My attention has been drawn to the neighbouring authority's local and emerging plan. Whilst a previous iteration of the emerging local plan for Teignbridge included the appeal site as forming part of the settlement of

Coldeast, the evidence shows that this is no longer the case. As such, in this location, there would only be policy support in the adopted or emerging local plans for affordable housing for local needs. The proposal would not provide affordable housing. There would therefore be conflict with the neighbouring development plan. In any case, policies of a neighbouring authority are not applicable to this appeal. I therefore attach very little weight to this matter.

15. I have paid regard to the appellant's evidence in respect of the advice provided to them by the Authority over the appeal site's location. Whilst this advice would not have been helpful, it was nevertheless informal. As such, it carries very limited weight in my overall assessment of the merits of the proposal.
16. It is recognised that the adjoining village of Coldeast or (New) Liverton, as defined by the neighbouring authority, forms part of a cluster of settlements. Although these settlements include a primary school, village hall and shop, the distance from the appeal site to them, together with a lack of pavements and streetlighting would mean that future occupants would be more likely to make use of the private vehicle. Furthermore, even with the nearby bus stop, the lack of a range of jobs and services would not reduce this need to travel.
17. In respect of siting, as mentioned previously, the appeal site is physically separated from the adjoining village by an intervening lane. Consequently, it does not form part of the grouping of low-density properties found within Coldeast. In that context, the property would be sited closer to the adjoining meadow/orchard and open countryside than its host. The Authority raises no concerns in respect of the effects on the landscape or design. However, when taken within the context of the pattern of housing across the 2 administrative areas, the scheme would be representative of a further encroachment into the countryside, rather than infilling.
18. The scheme would make a positive contribution towards the supply of housing, albeit the benefits of a single dwelling would be very modest. It would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. Additionally, the proposal would deliver an energy efficient, adaptable home to allow the appellant to care for a family member. It would also be conveniently located next to the County Wildlife Site. Furthermore, I have paid regard to the appellant's ties to the appeal site and their standing within the local community.
19. However, none of the aforementioned benefits would be sufficient to justify a decision otherwise than in accordance with the development plan. To do so would undermine the overarching strategic and housing objectives of the LP. Moreover, the need to deliver sustainable patterns of growth that meet the needs of present and future generations are important considerations and ones that are embedded in the Framework.

Planning Balance and Conclusion

20. Whilst no conflict with dark skies Policy SP2.6 has been shown, this does not outweigh the harm to the conflict with the development plan. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR