



Appeal Decision

Site visit made on 22 March 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal Ref: APP/K1128/W/23/3329129

Highfield House, Ipplepen Road, Marldon, Paignton TQ3 1SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Nirvana Homes (UK) Limited against the decision of South Hams District Council.
 - The application Ref is 2759/22/OPA.
 - The development proposed is demolition and replacement of 1 dwelling and for the construction of 5 custom-build dwellings with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development above, the planning application was submitted in outline with matters other than access, layout and scale reserved for a subsequent reserved matters application. The documents that accompany the outline planning application give indicative details about other aspects of the proposal. I have taken these indicative details into account only insofar as establishing whether it would be possible, in principle, to erect six dwellings of the scale and in the layout proposed, with associated access.
3. The appellant's statement offers to remove the pedestrian access route shown on the application plans. This would materially alter the scheme design in respect of both access and layout, which are matters to be considered as part of the outline submission. The 'Procedural Guide: Planning appeals – England' states the appeal process should not be used to evolve a scheme. There would be an injustice to parties who have not had an opportunity to comment on the proposed design change if I were to take it into account. I have therefore based my decision on the proposal as set out in the application that was before the Council and upon which notification took place.
4. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, insofar as the contents are relevant to this appeal, the Framework has not changed. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on the revised Framework.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the surrounding area, including trees;
- whether the proposal would preserve the setting of the Grade II listed building known as Torr Cottage;
- the effect of the proposal on highway safety on Ipplepen Road;
- whether the future occupiers of Plot 6 would be likely to experience acceptable living conditions in terms of amenity space provision;
- the effect of the proposal on biodiversity;
- whether the proposal would be in a suitable location with respect to the settlement pattern;
- the effect of the proposal on the provision of housing to meet local need; and
- whether the proposal would make adequate provision for any additional need for infrastructure, services and facilities arising from the development.

Reasons

Character and appearance, including trees

6. Marldon and the surrounding open countryside are very hilly and form part of the Torbay Hinterland Landscape Character Area (THLCA). Ipplepen Road is a narrow lane that ascends out of Marldon, curving sharply around a hill as it does so. Several houses face onto Ipplepen Road on either side of this steep bend. Highfield House, the host dwelling for the appeal site, is one of a group of dwellings located close to the brow of the hill, off a dedicated access route from Ipplepen Road. The rest of the appeal site comprises an open paddock that falls away steeply back towards Marldon, behind some of the Ipplepen Road homes. On the other side of the paddock are open fields and countryside, behind a tree-lined border.
7. The topography surrounding the appeal site provides views of it from various locations within Marldon. These locations include Pembroke Park and several of the residential streets on the hillside between Village Road and Vicarage Hill, as I observed during my visit. Trees around the lower sides of the site partly conceal it from some perspectives, although to a lesser degree when deciduous trees are not in leaf. Other views of the site have little screening from trees.
8. Consequently, the open paddock can be clearly appreciated in several views. It provides a spacious, verdant and tranquil setting for the Ipplepen Road dwellings, including those at the top of the hill. This setting, including the trees within it, contributes to a visual impression of transition between village and countryside. It also contributes to the landscape value of the THLCA.
9. The proposed development of five houses on the pasture, with associated vehicular access road, would diminish this verdant backdrop, greatly reducing openness and the sense of transition between urban and rural in this part of

Marldon. The comings and goings associated with five additional homes would diminish the area's tranquillity, as would light at night emanating from the new hillside dwellings. In consequence, notwithstanding its relatively modest scale, the development would erode the character and landscape value of the THLCA, which the Council seeks to conserve.

10. I recognise there would be little adverse visual impact from the other side of Highfield House, where development of the former Torr Quarry site is under construction¹. I also accept there are parts of Marldon, including some historic areas, from which the development would not be seen. However, these considerations do not outweigh the harm I have found.
11. The appellant's Arboricultural Impact Plan (AIP) shows no new structures or major excavations within the root protection areas of retained trees. I am satisfied on the evidence before me that other potential impacts could be mitigated by condition were the appeal to be allowed. I understand one lower value tree has already been removed in the vicinity of the proposed pedestrian access route. Nevertheless, overall, the proposal would not be likely to have a materially harmful effect on the trees that contribute most to the character and appearance of the area. Accordingly, I find no conflict with Policy DEV28 of the Plymouth & South West Devon Joint Local Plan 2019 (JLP).
12. Notwithstanding my finding on trees, for the above reasons I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area. This is contrary to JLP Policies DEV10, DEV20, DEV23 and SPT12. Together, these Policies seek a positive contribution to both townscape and landscape; to conserve and enhance characteristics and views of the area; and to protect qualities and features of the natural environment. It is also contrary to the Framework, which seeks development that is sympathetic to local character, including the surrounding built and landscape setting.

Setting of Torr Cottage

13. Torr Cottage is one of the houses fronting Ipplepen Road as it rises out of Marldon. It backs onto the appeal site and concerns have been raised about the effect of the proposal on its setting. The significance of Torr Cottage as a Grade II listed building is derived from factors including its role in the evolution of this older part of Marldon. It is also derived from architectural features such as the Cottage's painted stone façade with slate-hung first floor, slate roof with deep eaves and rendered chimney stacks. This is notwithstanding that the building has been somewhat altered over time.
14. The setting of Torr Cottage includes the steep hillside into which it is set, the trees that surround it and the backdrop of open paddock described above. This setting contributes to the significance of the listed building because it evokes the cottage's relative isolation from other buildings at the time it was built. This provides a visual and physical connection to Marldon's evolution as a rural village. Torr Cottage's setting also gives context for, and enables appreciation of, its distinctive architecture when seen in both short and longer views.
15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the

¹ Planning permission reference 3951/17/FUL

setting of listed buildings when considering whether to grant planning permission for development which affects it.

16. For the reasons set out under character and appearance, the proposed development would result in detrimental change to the spacious setting provided by the open paddock. This would substantially reduce the perception of Torr Cottage's isolation from other buildings, as the building would merge into the cluster of new houses behind it in longer views. In addition, the proposed pedestrian access via stairs onto Ipplepen Road would emerge very close to the side of the Cottage and involve removal of vegetation. This would further erode its separation from its surroundings. It would also diminish the impression that the Cottage's plot has been carved out of the verdant hillside and thereby weaken the context for appreciation of its history and features.
17. I note the appellant's heritage statement (HS) finds no historic occupation crossover, use relationship or designed views between Torr Cottage and the appeal site. Whilst I see no reason to disagree with these findings, I have identified other factors that contribute to the relationship between Torr Cottage and its setting, as set out above. Consequently, the HS does not alter my assessment of that setting's contribution to the significance of the asset, or of the effect of the proposal on it.
18. For the above reasons, I conclude the proposal would not preserve the setting of the Grade II listed building known as Torr Cottage, contrary to Section 66(1) of the Act. This would in turn result in less than substantial harm to the significance of Torr Cottage as a designated heritage asset without clear and convincing justification, contrary to paragraph 206 of the Framework.
19. I shall return to the balance between this harm and the public benefits of the proposal, required by JLP Policy DEV21 and paragraph 208 of the Framework, under planning balance below.

Highway safety

20. Vehicles travelling to and from the proposed development would use a short side road between the site and Ipplepen Road, which also serves the Torr Quarry development. The junction of this side road and Ipplepen Road is near the top of the hill. Pedestrians would be provided with a separate dedicated route down through the site, involving several flights of stairs, which would join Ipplepen Road further down the hill via a newly created pedestrian junction. Alternatively, pedestrians could join Ipplepen Road using the same route as vehicles. No changes to the design or layout of the highway on Ipplepen Road are proposed as part of the development.

Vehicular safety

21. The issues in dispute are the existing level of safety at the junction of Ipplepen Road, Village Road (also referred to as Potters Mews), Kiln Road and Marldon Cross Hill (hereinafter 'the four-way junction'); and the extent to which additional traffic generated by the proposal would materially affect the safe operation of this junction.
22. There is reduced visibility from Ipplepen Road at the four-way junction, notwithstanding that the road is relatively straight at this section. There is also limited forward sight stopping distance visibility for drivers approaching from Village Road. I recognise that, when the junction is lightly trafficked, drivers

can take advantage of some additional carriageway space around the junction to optimise lines of sight. However, there is a primary school close by, larger vehicles such as waste-trucks and delivery vans use the junction, and unexpected road blockages in the vicinity could change traffic flows at short notice. These factors could result in heavy traffic or congestion, which would further limit visibility and reduce room for manoeuvre.

23. Even if these circumstances are only present occasionally or for relatively short periods, the constraints of the junction are such that the risks to safety highlighted by the Devon County Council as Highway Authority (HA) would be very high at these times. I am therefore unpersuaded the operation of the four-way junction is never problematic, notwithstanding the absence of accident reports before me and the low traffic speeds on Ipplepen Road. Consequently, a material increase in use of the four-way junction could increase the likelihood of conflicts or accidents occurring there.
24. Based on trip rates assumed for the Torr Quarry scheme, the proposed development would generate around 10 two-way, or 20 one-way, additional vehicle movements per day on average. These movements would sometimes cluster around busier times – such as commuting or school-runs – rather than being evenly distributed across the day. Given the relatively low level of existing traffic on Ipplepen Road, I find this level of additional traffic would be perceptible within current daily variation. It could therefore have a material effect on the safe operation of the four-way junction, particularly during already congested periods.
25. I recognise the historic configuration of the four-way junction is not unusual for rural villages and note the Manual for Streets' commentary about potential for safe operation of historic street layouts. However, this general guidance does not address the specific circumstances before me or provide sufficient justification in itself for the increased risk I have identified.
26. The appellant has suggested additional vehicle movements generated by the appeal scheme would be offset by under-counted spare capacity from removal of Heavy Goods Vehicles from Ipplepen Road following the redevelopment of Torr Quarry for housing. Even if I accept more traffic will be removed than was agreed at the time of that permission, there would be no justified basis to link a planning benefit from that development to this unrelated proposal. Each decision and appeal must be determined on its individual merits. I have considered this appeal on its own terms, on the evidence before me.
27. I have considered the other permissions on Ipplepen Road brought to my attention². On the limited information before me, these all appear to relate to the change of use or conversion of an existing building. There is no pertinent evidence to demonstrate the traffic generated by the new uses in these cases was materially greater than that already pertaining to the existing uses. I therefore give little weight to these other permissions.

Pedestrian safety

28. The issues in dispute are whether a safe design for the proposed footpath and its junction with Ipplepen Road would be feasible within the layout proposed;

² Permission references: 34/0824/02/CU; 34/1268/08/F; 34/0940/14/AGPFA; 34/1133/15/F

and whether there would be a safe alternative route for those not able to use steps.

29. The HA raises concerns about the proposed path and step design with regard to national guidance on Inclusive Mobility, as well as the Devon Design Guide. Whilst I accept these documents are guidance not policy, and even if they are primarily intended to apply to the adopted highway, I consider them pertinent to the proposal because of the steep gradient of the site, the length of the path and the number of flights of steps proposed.
30. There is no compelling evidence to demonstrate the requirements of the guidance could be satisfied, or an otherwise safe design for the path and steps could be achieved, without changing the layout of the outline scheme. Consequently, I am not satisfied a safe footpath would be feasible within the layout proposed. Accordingly, I do not accept that design details for the path and steps could be adequately addressed via conditions were the appeal to be allowed. However, I am satisfied on the evidence before me that pedestrian visibility splays and drainage could be addressed by condition.
31. Whether or not a dedicated pedestrian access to the development were provided, future residents not able to use steps would have to walk all the way down Ipplepen Road from the main site entrance to reach bus-stops and some of Marldon's facilities, such as the primary school, on foot. This is notwithstanding that public footpaths would provide access to other local facilities. Given the proposed houses could accommodate families, it is reasonable to expect pedestrian traffic from them would sometimes include vulnerable road users such as adults with small children in prams/pushchairs, in addition to those with limited mobility.
32. This longer stretch of Ipplepen Road is narrow, steep, curved, and unlit. There are vertical features such as walls and hedges and there is no footway for much of the route. Therefore, there is very little protective space for pedestrians to take refuge should they come into conflict with a larger car or van, even if a smaller car could pass them. This could result in pedestrians crossing the path of traffic and/or vehicles reversing up or down the hill or around a bend, which would be very unsafe. In these circumstances, any increase in use of this route by pedestrians – however small – would increase the risk of accidents.
33. I am not persuaded it is reasonable to expect additional pedestrians – particularly the more vulnerable – to rely on torches, hi-visibility clothing, or 'give and take' with drivers, even if existing residents sometimes do so.
34. I acknowledge vehicle speeds are generally low and there are footways on many Marldon roads other than Ipplepen Road, but these factors do not outweigh the harm to highway safety I have identified. The general guidance on shared use roads in the Manual for Streets does not address the particular combination of circumstances and risks that pertain on Ipplepen Road, so does not change my conclusion. The absence of accident reports to date does not in itself justify allowing development that would increase the risk to pedestrians.

Highway safety conclusion

35. For the above reasons, I conclude the proposal's effect on highway safety on Ipplepen Road would be unacceptably harmful. This is contrary to JLP Policy

DEV29, which requires development to provide safe and satisfactory traffic movement and vehicular access, and high quality, safe and convenient facilities for walking. It is also contrary to paragraph 114 of the Framework, which seeks safe and suitable access to the site for all users, and paragraph 115, which states development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

36. Given the harm to highway safety I have identified, I further conclude the proposed pedestrian footpath would not be a benefit of the development.

Living conditions

37. The JLP SPD seeks a minimum of 100m² outdoor amenity space for a detached dwelling. This includes all front, rear and side useable areas but excludes car parking.
38. The scale and layout of the dwelling proposed on Plot 6 are matters to be considered as part of the outline submission before me. The proposed footprint shown on the application plans is one aspect of both scale and layout. The accompanying 'Plot Passport' (PP) indicates at section 4.4 that Plot 6 could have 3 or 4 bedrooms, with a maximum footprint of 102m² and a minimum garden area of 73 m². Even if I assume all the external area shown would be useable for amenity purposes and would not include space for parking, this indicative quantum of garden area falls well below the level sought by the JLP SPD. Consequently, as the dwelling on Plot 6 could be large enough to house a family, the space would not be sufficient to meet the reasonable needs of such a household, particularly in relation to children's play.
39. The appellant's statement suggests the total external amenity space for Plot 6 measures over 106m², but there is little evidence to substantiate this or explain the discrepancy with the indicative information in the PP. I note the proposed planning obligation to secure the self-build units in the submitted Unilateral Undertaking (UU) states plot layouts will be submitted to the Council as part of reserved matters. However, this contradicts the fact that layout is a matter for which approval was sought on the outline planning application form. I therefore give greater weight to the evidence submitted with the original application and these factors do not alter my finding on this main issue.
40. For the above reasons, I conclude the future occupiers of Plot 6 would not be likely to experience acceptable living conditions in terms of amenity space provision. This conflicts with Policy DEV10 of the JLP, which requires sufficient external amenity space or private gardens in new dwellings. It also conflicts with the Framework, which seeks a high standard of amenity for future users.

Biodiversity

41. The area of the appeal site exceeds 0.5 hectares and the development proposed is residential, so the proposal meets the definition of major development³.
42. JLP Policy DEV26 states net gains in biodiversity will be sought from all major development proposals; and the level of biodiversity net gain (BNG) sought will be proportionate to the type, scale and impact of the development. The JLP SPD states compliance with Policy DEV26 for major development requires 10

³ See Framework glossary.

per cent BNG, measured through completion of the Defra Biodiversity Metric (DBN).

43. Having regard to the appellant's Ecological Impact Assessment (EIA) and the extent and range of habitats and species it identifies, I consider a 10 per cent BNG would be proportionate to the scale and impact of the development. The EIA concludes that, subject to detailed design, the development could deliver a positive effect on biodiversity. However, it does not fully quantify the proposed BNG or include a completed DBN. Therefore, whilst I accept soft landscaping, habitat creation and biodiversity enhancements could be considered at reserved matters stage, there is insufficient evidence for me to be satisfied the requirements of Policy DEV26 and the JLP SPD could be achieved.
44. The existing mature trees on the western border of the site would be retained. The AIA states there would be adequate clearance between Plots 1, 2 and 3 and the closest part of their canopy spread. Therefore, I am satisfied risks to species from degradation of these trees could be adequately mitigated through conditions and reserved matters were the appeal to be allowed.
45. For the above reasons, I conclude the proposal would not have an acceptable effect on biodiversity, contrary to JLP Policy DEV26.

Location with respect to the settlement pattern

46. Marlton's settlement boundary is not defined in the JLP or a Neighbourhood Plan, so the appeal site's relationship with the settlement is a matter of planning judgement.
47. The paddock has a treed boundary on two sides with limited development along Kiln Road. Notwithstanding the development of the Torr Quarry site, the paddock remains closer in character to the fields beyond it than to the rest of the settlement. The houses along Ipplepen Road mainly relate to the historic village layout which was separate from the paddock. Therefore, I am not persuaded the site is surrounded by development or within a built-up area. The other appeal site brought to my attention⁴ is on the opposite side of Marlton, so its circumstances are not sufficiently similar to be directly comparable to those before me. Consequently, I find that, other than Highfield House itself, the appeal site is in the countryside for planning policy purposes.
48. JLP Policy TTV1 permits development in the countryside only if it can be demonstrated to support the principles of sustainable development and sustainable communities including as provided for in JLP Policies TTV26 and TTV27. JLP Policy SPT1 reflects the high-level principles of sustainable development set out in paragraph 8 of the Framework. JLP Policy TTV2 adds further specific objectives for rural sustainability to be supported through development. These include the location of housing where it will enhance or maintain the vitality of rural communities and the provision of sustainable transport accessibility appropriate to the specific context of the proposal.
49. There would be facilities and services at a reasonable distance in Marlton and nearby towns. In principle, there would be opportunities to access these using modes other than the private car, taking account of variation in service provision between urban and rural areas. This includes bus services, the viability of which would be supported by greater use. However, I have found

⁴ Appeal reference APP/K1128/W/21/3272800

there would not be safe pedestrian routes for all from the site to bus-stops and facilities such as the primary school, so these opportunities would not be fully realised. Consequently, many future residents would be likely to rely on the private car for most journeys. As a result, the proposal would not fully achieve the principles of sustainable development set out in JLP Policies SPT1 and TTV2.

50. JLP Policy TTV26 requires development proposals in the countryside to help enhance the immediate setting of the site. For the reasons set out in the first two main issues, the proposal would not achieve this. JLP Policy TTV27 permits proposals for residential development on sites adjoining an existing settlement provided that the development meets a proven need for affordable housing for local people and the requirements of all other relevant policies of the Plan. There is no suggestion the proposal would provide affordable housing and it would not satisfy all other relevant policy requirements. Therefore, the proposal would conflict with Policies TTV26 and TTV27.
51. I have considered the paragraphs of the JLP Supplementary Planning Document 2020 (JLP SPD) brought to my attention. JLP SPD paragraph 11.31 disapplies the requirements of JLP Policy TTV26 to development proposals of 5 or more dwellings adjoining a Sustainable Village (SV). However, this is prefaced by a statement that such proposals must be policy compliant. Similarly, JLP SPD paragraph 11.46 disapplies Policy TTV26 for sites adjoining settlements so long as the proposal accords with Policies SPT1 and SPT2 and relates well to the existing built form of the settlement. Given the harms and resulting Policy conflicts I have identified above, I find these JLP SPD provisions do not apply.
52. For the above reasons, I conclude the proposal would not be in a suitable location with respect to the settlement pattern. This is contrary to Policies SPT1, TTV1, TTV2, TTV26 and TTV27 of the JLP, which are consistent with the objectives of the Framework for the location of rural housing.

Local housing need

53. The appeal site is in the Thriving Towns and Villages Policy Area (TTVPA), to which JLP Policy SPT3 apportions part of the plan's overall housing requirement. Under JLP Policy TTV1, this is to be distributed according to a hierarchy of settlements and Marlton is an SV within this. JLP Policy TTV25 sets out the level of housing delivery expected from SVs over the plan period.
54. The Council states the three component authorities of the JLP can demonstrate almost six years' supply of deliverable housing sites, comfortably above the required five years. It adds that delivery against both the annualised housing requirement for the TTVPA, and the proportion from SVs within this, has been exceeded to date. Nevertheless, the overall housing requirement and spatial apportionments in Policy SPT3 are minima, and only about half the JLP's plan period has elapsed. The scheme would contribute five net additional dwellings to housing supply. Therefore, I find no conflict with Policy SPT3. The proposal would support the Framework's objective of significantly boosting the supply of homes, including through development of small and medium sized sites that can be built out relatively quickly. I give this benefit limited weight.
55. JLP Policy DEV9 sets additional provisions for the delivery of a range and mix of housing to meet local needs. This includes support for self and custom build housing providing proposals meet the plan's overarching sustainable

development, general amenity and design policies. I have found under preceding main issues that the proposal conflicts with development plan Policies in relation to settlement pattern, design for highway safety and living conditions. Accordingly, the proposal also conflicts with Policy DEV9.

56. It has been put to me that Policy DEV9 does not provide a policy for delivering self-build housing because it says nothing about actively enabling this form of development as required by paragraph 63 of the Framework. This paragraph requires the needs of people wishing to commission or build their own homes to be assessed and reflected in planning policies, with regard to the duties placed on local authorities by the Self Build and Custom Housebuilding Act 2015 (as amended) (the SBCH Act). These duties include requirements to keep a self-build register, have regard to this register and give enough suitable development permissions to meet the identified demand. Planning Practice Guidance explains that evidence of need for self/custom build housing from a register should not be double counted with local housing need as a whole⁵.
57. Part 2(iii) of Policy DEV9 states the local planning authorities will be proactive in exploring ways to ensure sufficient plots are consented to meet the duty set out in the SBCH Regulations, which are pursuant to the SBCH Act. The other subsections of part 2 of the Policy refer to other ways in which LPAs will support delivery of this type of housing. I therefore find JLP Policy DEV9 does seek actively to enable self-build housing in accordance with the Framework. In consequence, I accord it full weight in this decision and paragraph 11d) of the Framework is not engaged on its account.
58. The parties agree the Council has not met the identified need for self/custom build housing in the South Hams District to date, but there is a difference of opinion about the extent of shortfall. On the evidence before me and taking account of the cumulative totals for each base period on the register, I find the shortfall of serviced plots with planning permission against identified need in the District is considerable. This is an important material consideration.
59. However, as noted above the planning obligation intended to secure the new dwellings for self/custom-build is inconsistent with the matters to be determined at outline stage. Therefore, I have not taken it into account. Consequently, the proposal's contribution towards meeting local need for custom/self-build housing attracts little weight in favour of the development. Had the proposal been acceptable in other respects, this is a matter I would have raised with the main parties.
60. For the above reasons, I conclude the proposal would make a modest contribution towards meeting general housing need in accordance with JLP Policy SPT3. However, it would conflict with JLP Policy DEV9 and contribute little to meeting the local need for custom/self-build housing.

Provision for additional need for infrastructure, services and facilities

61. The Council has advised that financial contributions are required towards improvements to and maintenance of sports, recreation and community facilities in Marldon; and towards the cost of school transport to the local Community College. The submitted UU includes planning obligations to secure these financial contributions. On the evidence before me I am satisfied the

⁵ PPG Paragraph: 011 Reference ID: 57-011-20210208

contributions have been calculated according to agreed formulae. I consider the measures in the UU are necessary, directly related to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

62. I therefore conclude the proposal would make adequate provision for the additional need for infrastructure, services and facilities arising from the development. Accordingly, I find no conflict with Policy DEL1 of the JLP, which requires mitigation of the impact of development on infrastructure. I also find no conflict with the Framework, where it requires accessible services and open spaces that reflect future needs and support community well-being. However, as the obligations simply fulfil policy expectations, they attract no positive weight in support of the scheme.

Other Matters

63. The development of six dwellings would result in an economic benefit from construction and future occupiers' use of local services and facilities. This would accord with the Framework's economic objectives and its support for housing that enhances and maintains the vitality of rural communities. Given the modest scale of the proposal, the limited weight of this benefit would not outweigh the harms I have identified.
64. The Council has raised no concern regarding parking or the effect of the proposal on the living conditions of neighbouring occupiers. On the evidence before me, I see no reason to disagree. However, an absence of harm in these respects is a neutral factor. Provision for electric vehicles is covered by other regulatory regimes, so is also a neutral factor.
65. Issues relating to land ownership are a private matter between the relevant parties and have not had any material bearing on my assessment of the planning issues in this appeal.

Planning Balance and Conclusion

66. I have found the proposed development would result in less than substantial harm to the significance of Torr Cottage as a designated heritage asset. In accordance with paragraph 205 of the Framework, I attribute great weight to this harm. The public benefits of the proposal are the provision of one replacement and five additional dwellings, and the economic benefits identified in other matters. The weights I have ascribed to these benefits above do not outweigh the great weight of the harm to the significance of the listed building.
67. The proposal therefore conflicts with JLP Policy DEV21, which requires development proposals that will lead to any harm to the significance of a designated heritage asset to be fully justified against the public benefits of the development. It also conflicts with paragraph 195 of the Framework, which requires heritage assets to be conserved in a manner appropriate to their significance. In accordance with footnote 7 of the Framework, this means paragraph 11d) of the Framework cannot be engaged in this case.
68. I have found the proposal conflicts with JLP Policies DEV9, DEV10, DEV20, DEV21, DEV23, DEV26, DEV29, SPT1, SPT12, TTV1, TTV2, TTV26 and TTV27. Although the proposal complies with other development plan policies, I conclude it conflicts with the development plan read as a whole.

69. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR