



---

# Appeal Decision

Site visit made on 8 May 2024

**by E Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 June 2024**

---

**Appeal Ref: APP/K1128/W/23/3326277**

**West Pitten Barns, West Pitten, Plympton, Devon PL7 5BB**

- 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 Mr A Wright against the decision of South Hams District Council.
  - The application Ref is 0531/23/FUL.
  - The development proposed is the demolition of existing barn and construction of two new dwellings with associated landscaping.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, I have omitted the superfluous words that refer to previous applications as they do not describe acts of development.
3. I have used the address from the Decision Notice, which was also used on the appeal form, as it more precisely describes the location of the site.

## Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area; and whether the development would meet a local housing need having regard to the development plan.

## Reasons

### *Character and appearance*

5. The appeal site comprises a triangular parcel of agricultural land contained on 2 sides by mature trees and hedges. It is occupied by a substantial modern timber clad agricultural building, set within the shallow incline of the site, which is at a slightly lower level than the surrounding agricultural land and woodland. The flank elevation of the building is close to and parallel with the boundary of the site which is contiguous with the road. The site lies part way along a rural lane which serves a cluster of residential properties, including converted traditional agricultural buildings, located at the end of the lane. The agricultural nature of the site, which is set within a dispersed settlement pattern including converted farmsteads, contributes positively to the rural character and appearance of the surrounding area.
6. The appeal would see the subdivision of the site and the construction of 2 detached dwellings. The scheme consists of plot 1, a 2 storey 4 bedroom

- dwelling, which would occupy part of the footprint of the existing barn, and plot 2, a single storey 3 bedroom dwelling with a similar orientation and layout, alongside it. The proposed development would include a detached garage block between the buildings and separate driveways and parking areas to the front of each of the properties.
7. The facing materials to be used in the construction of the dwellings would be sympathetic to the site context. Notwithstanding the scale of the development and detailed design of the scheme, including the simple low profile utilitarian form of the dwelling on plot 2, the proposed formal linear layout of the development would be more typical of a suburban arrangement. This would be exacerbated by the boundary hedge to the front of the properties which would create distinctly separate front garden areas, and the substantial garage building, set forward of the front elevations. Consequently, notwithstanding the lack of visual harm to the wider landscape, the proposal would introduce an anomalous form of development that would be at odds with the prevailing rural character of the area.
  8. While the proposal would include the provision of a detailed landscape strategy, including hedge bank planting, tree and orchard planting, scrub and wildflower grassland planting, pertaining not only to the appeal site but the wider site, this would not overcome the harm I have identified in terms of the layout and subsequent appearance of the site in that regard. Moreover, significant elements of the proposed planting, would lie beyond the site boundary and could therefore not be secured by planning conditions relating solely to the site, as acknowledged by the appellant.
  9. I have had regard to planning permissions granted by the Council at Widland Farm Cottage<sup>1</sup> and Stanton Cottage<sup>2</sup>. However, these both relate to the construction of a single dwelling following a Class Q prior approval to convert an agricultural building, and so are therefore not comparable to the appeal scheme for two detached dwellings.
  10. For the reasons set out above, I find that the proposal would harm the character and appearance of the area. In that regard it would conflict with Policy DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) which requires new development, among other things, to be located and designed to maintain and reinforce an area's distinctive sense of place and reinforce and conserve and enhance the characteristics of the area.

### *Housing need*

11. Policy DEV8 of the JLP seeks to deliver a wide choice of homes, to increase opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The second refusal reason refers to a conflict specifically with part 1 of Policy DEV8, which sets out that a mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided. As well as homes that redress an imbalance within the existing housing stock, it identifies a need for dwellings for younger people, working families and older people who wish to retain a sense of self-sufficiency.

---

<sup>1</sup> LPA Ref. 2886/19/FUL

<sup>2</sup> LPA Ref. 0709/21/FUL

12. The Council contends that housing market data for the parish indicates an imbalance in the existing housing stock, with an undersupply of 3 bedroom terraced properties and flats and an oversupply of large detached properties. It suggests therefore that the proposed 3 and 4 bedroom detached dwellings would not address a need for smaller, more affordable homes.
13. To support the Council's position, I have been provided with pie charts which show that the dwelling types in Yealmpton comprise a greater percentage of detached dwellings, slightly fewer terraced houses and significantly less flats than in South Hams overall. While the combination of existing dwelling types in the parish deviates from that in the wider district, it has not been demonstrated how this would equate to a need for specific dwelling types in Yealmpton, or that the mix of dwelling types proposed would not be appropriate to the area.
14. I have also been provided with details of the recommended mix of open market housing sizes set out in the SHMAA. This indicates that while the greatest need is for 2 and 3 bedroom units, there is also a need for 1 and 4 bedroom dwellings. However, it has not been shown there is a connection between this information and the need for dwellings of a specific type. Nonetheless, irrespective of the type of units, the identified need includes 3 and 4 bedroom properties, which the proposal would meet. Moreover, the proposed single storey dwelling on plot 2 would provide accommodation suitable for older residents and in that regard would reflect the aims of Policy DEV8 1) iii of the JLP.
15. Even if the earlier schemes for the conversion of the building included a mix of dwelling types and sizes that the Council deemed to be more appropriate in terms of need, I have reached my own conclusions in relation to the appeal scheme, based on the evidence before me.
16. Accordingly, for the reasons set out above, I find that the development would provide a mix of housing sizes and types to meet a local housing need. In that regard, it would not conflict with Policy DEV8 of the JLP.

### **Other Matters**

17. The site benefits from a prior approval as required under permitted development rights that allow the barn to be converted to a dwelling house<sup>3</sup>. More recently planning permission has also been granted by the Council for the demolition of the existing barn and the construction of a new dwelling<sup>4</sup>.
18. There is nothing before me to suggest that either the prior approval or the planning permission would not be implemented if the appeal is dismissed. I am therefore satisfied that there is a greater than theoretical possibility that either development would take place. As such, these approved schemes each represent a separate fallback position.
19. The appeal proposal for the construction of 2 detached dwellings and a garage would comprise development of a scale, nature and layout that would be materially different to that of the extant prior approval for the conversion of the existing agricultural building to a single dwelling. The proposed construction of a new dwelling on plot 1 would be very similar to the approved scheme for a

---

<sup>3</sup> LPA Ref 3146/22/PDM granted on 26 May 2023

<sup>4</sup> LPA Ref 2137/23/FUL granted on 27 October 2023

- new dwelling to replace the barn in terms of its layout, siting, size and design, albeit set in a smaller plot. However, given that the permission is for a single dwelling and detached garage, it would differ considerably in terms of built form to the appeal scheme and would not have the same urbanising effect.
20. The proposal would be better than the fallback schemes in terms of energy efficiency and carbon reduction measures. However, neither schemes would result in the harm to the character and appearance of the area that I have identified. Overall, as the fallback schemes would be less harmful than the appeal scheme, the weight to be attached to them is limited.
21. The proposal would also offer benefits in terms of additional landscaping, however considering the uncertainty regarding the delivery of such, given that much of it is not within the appeal site, I attach this limited weight. There would also be benefits in terms of biodiversity enhancement, through the provision of additional planting, as well as bird and bat boxes on the site which weigh in favour of the proposal.
22. There are several Grade II listed buildings close to the site which form part of the West Pitten Farm complex, including 2 barns, a cart shed and 2 shippens. I am required to have special regard to the desirability of preserving the setting of the listed buildings. With respect to the scale and nature of the development and its position relative to these, together with the intervening landscaping, I am satisfied that the proposal would preserve the setting of the listed buildings and their significance as heritage assets.
23. Lack of harm in other regards including highway safety, living conditions of the occupiers of neighbouring properties, and flooding, are normal expectations of new development and are therefore neutral matters.
24. The site lies within the zone of influence (ZoI) of the Tamar European Marine Site (EMS) which comprises the Plymouth Sound and Estuaries Special Area of Conservation and Tamar Estuaries Complex Special Protection Area. It is designated for its qualifying features including populations of Avocet, Little Egret and Allis shad, and habitats including Atlantic salt meadows, estuaries, sandbanks, mudflats, reefs, and shore dock. The proposed development would be likely to have significant effects on the EMS through additional recreational pressure causing disturbance to the species and habitat loss.
25. To avoid an adverse effect upon the integrity of the EMS, the appellant has provided a planning obligation that would provide a financial contribution towards the management and mitigation of recreation and leisure in the ZoI of the EMS, secured via the UU. If I were minded to allow the appeal, I would need to be satisfied that the proposal would not have a significant effect on the integrity of the EMS, either alone or in combination with other plans or projects, including through the undertaking of an Appropriate Assessment. However, given my decision on the appeal overall, there would be no pathways to significant adverse effects on the EMS arising from my decision.
26. The alleged lack of consistency in the Council's determination of earlier planning applications, and its findings in relation to alternative schemes at the site, are not determinative to the appeal before me, which I have assessed based on the merits of the scheme.

## **Conclusion**

27. I have found that the proposal would not conflict with Policy DEV8 of the JLP in terms of the housing mix. However, it would give rise to harm to the character and appearance of the area and would therefore conflict with the development plan as a whole. Material considerations, including the weight to be attributed to the fallback position, have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.

28. For the foregoing reasons the appeal is dismissed.

*E Worley*

INSPECTOR