



Appeal Decision

Site visit made on 30 July 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/K1128/W/23/3332491

Site off Lister Way, Dartmouth Road, East Allington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Ms Sue Higson against the decision of South Hams District Council.
- The application Ref is 4528/22/PIP.
- The development proposed is erection of detached dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission has been sought for the erection of a minimum of two and a maximum of three dwellings at the appeal site and I have determined the appeal accordingly.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue in this appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

6. The appeal site comprises an undeveloped, gently sloping field enclosed by mature hedgerows. Access into the site is provided by way of an existing field gate from the adjoining residential development known as Lister Way.

7. Policies SPT1 and SPT2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019 (JLP) set the overarching strategy for development in the plan area with the aim to create sustainable linked neighbourhoods and sustainable rural communities. Policy TTV1 sets out the hierarchy of settlements which are to receive proportionate amounts of growth over the plan period and Policy TTV2 supports sustainable development.
8. East Allington is identified as a third tier 'sustainable village'. In such locations, Policies TTV1(3) and TTV25 of the JLP provide support for development proposals which meet locally identified needs and sustain limited services and amenities. Communities are encouraged to identify sites to meet these local needs through neighbourhood plans. East Allington does not have a neighbourhood plan.
9. The JLP does not define settlement boundaries but states that development outside built up areas will be considered in the context of Policy TTV26 of the JLP which relates to development in the countryside. Paragraphs 11.45 and 11.46 of the SPD¹ provide further clarity, by stating that when considering what can be considered a built up area, professional judgement will be informed by the rural settlement pattern and other factors but that it excludes sites which are rural in character.
10. East Allington has a relatively compact form and the Council acknowledge that the appeal site is within walking distance of the new village shop, church, primary school, the public house, a play area and skate park, and a small number of local businesses. The appeal site lies adjacent to and accessed from an existing residential development. Notwithstanding this, the appeal site itself is an undeveloped field surrounded by established and mature hedge banks. For these reasons I conclude that it is rural in character and therefore outside the built up area of East Allington. Accordingly, residential development on the appeal site would not comply with Policies TTV1 and TTV25 of the JLP.
11. Development outside built up areas falls to be considered under Policy TTV26 of the JLP. Subsection 1 of the policy relates to isolated development which the Council and the appellant agree is not relevant to the proposal before me. Subsection 2 of Policy TTV26 sets out the circumstances in which development in the countryside will be permitted such as the re-use of traditional buildings and where there is a proven occupational need that requires a countryside location. None of the criteria in Policy TTV26 apply to the proposal before me.
12. Therefore, the introduction of new housing on the appeal site would conflict with Policies SPT1, SPT2, TTV1, TTV2 and TTV26 of the JLP in respect of the distribution of housing. This would undermine the objectives of the strategy.

Amount of development

13. Policy DEV8 of the JLP seeks to ensure a wide choice of high quality homes is available in the Thriving Towns and Villages (TTV) Policy Area and that the mix of new homes delivered therein is appropriate to the area. The SPD² sets out that in South Hams and West Devon there is an imbalance between existing housing stock and the projected size and needs of newly forming households. It states that there is a higher proportion of 4 or more bed homes than the rest of Devon and Cornwall with around 35 per cent of homes being under occupied,

¹ Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020

² Paragraph 4.14 of the SPD

- having at least two spare bedrooms. It goes on to say that housing stock that comprises a relative over-provision of large houses makes it increasingly difficult to rebalance the demographic profile and increase home ownership because the current housing stock is inherently unaffordable.
14. The SPD identifies that the latest available census data will be used to establish the baseline of the existing stock, which the Council set out in their Officer Report. The data identifies an undersupply of 1 and 2 bedroom properties in East Allington and an oversupply of 3 bedroom properties. It also shows that the number of 4 bedroom properties is broadly in line with the South Hams average. In terms of occupancy, it shows that 48.9% of properties are under occupied, having at least two bedrooms spare, and 31.2% with one more bedroom than required. Furthermore, the 2021 data for household sizes in East Allington shows that 60.9% of households consist of 1 or 2 people, with only 25.5% consisting of households with 4 or more people.
 15. The appellant states that most of the housing stock in East Allington is 2 or 3 bedroomed so the appeal properties would benefit those in the community who now have larger families. They also reference one of the current residents of Lister Way expressing interest in renting a four bedroom property on the appeal site. However, this does not address the evidence presented by the Council that more smaller homes are required in East Allington and that larger, family homes are not going to be responsive to local housing needs.
 16. I saw at my site visit that East Allington contains a mix of dwelling types and sizes. However, access to the appeal site would be via Lister Way which I saw consisted of relatively high density housing largely in the form of terraced housing positioned close to the back edge of the footway. The development of the appeal site for 2 or 3 detached four bedroom dwellings would be in sharp contrast with this, providing detached dwellings in very spacious plots. This would not make efficient use of the appeal site and result in development which would be out of character with the density and form of adjacent residential development.
 17. Taken together, the appeal proposal would be contrary to Policies SPT2, DEV8, DEV10 and DEV20 of the JLP. These seek to provide a good balance of housing types to meet identified housing needs. They also seek, amongst other things, to provide for higher density living which is well designed having regard to and integrating with the pattern of local development. My conclusion aligns with Paragraph 128 of the National Planning Policy Framework which requires that development makes efficient use of land.

Land Use

18. Policy DEV2 of the JLP seeks to safeguard the long-term potential of best and most versatile (BMV) land. Paragraph 180 of the Framework recognises the economic and other benefits of BMV land which is defined in the glossary to the Framework as land in grades 1, 2 and 3a of the Agricultural Land Classification.
19. Whilst there is no dispute between the main parties that the appeal site is located on grade 3 land, I do not know whether the site is grade 3a or 3b land as the appeal is not accompanied by a site-specific assessment. I have therefore taken a precautionary approach and consider that the appeal proposal would result in the loss of BMV land.

20. The evidence presented by the appellant is that the appeal site can only be accessed via Lister Way, is not suitable for agricultural use, will never be used for that purpose and is of a size which is of little benefit. However, neither its scale or extent of separation from other land diminishes the need to safeguard BMV land for the long-term.
21. Given my findings above in terms of location and amount of development, the loss of BMV land in this instance is not justified and would be contrary to Policies SPT1, DEV2 and TTV26 of the JLP which seek to protect BMV land and avoid its loss.

Other Matters

22. I have been provided with the details of an outline planning application³ ('the outline application') for development of the land to the east and south of the appeal site. Although no indication is given of the number of dwellings proposed, it is clear from the evidence before me that the Council have considered that it is a proposal for five or more dwellings. Paragraph 11.31 of the SPD indicates that proposals of five or more dwellings within or adjoining a sustainable village may be considered to be making a positive contribution to the housing supply figure in Policy TTV25 and as such will override the Policy TTV26 requirement to demonstrate that the proposal requires a countryside location. It seems to me therefore that the circumstances surrounding the appeal proposal are different to those relating to the outline application and I have given it limited weight accordingly.
23. I have also been provided with details of a Permission in Principle consent⁴ elsewhere in East Allington. However, the situation there does not appear comparable to the appeal before me particularly as it relates to five or more dwellings on a site previously used for industrial purposes. I have given this limited weight.
24. The appellant refers to loss of the allotments. However, the Council have not refused the application on this basis and therefore I have not considered this matter further.
25. I have considered other matters raised by interested parties including, but not limited to, highway safety, wildlife and drainage but given that I have identified harm in respect of the main issue, these are not matters on which my decision turns.

Conclusion

26. The proposed development is contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR

³ LPA Ref: 2412/22/OPA Outline application with some matters reserved for residential development and associated access.

⁴ LPA Ref: 1899/22/PIP Application for permission in principle for the erection of 5 dwellings and associated works