

Appeal Decision

Site visit made on 23 September 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/Q1153/W/24/3336652

Land south of North Road, Tinhay, Lifton

- 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 Mrs J Yates against the decision of West Devon Borough Council.
 - The application Ref is 3399/23/OPA.
 - The development proposed is erection of dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline. Matters of access, appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the proposal, with specific regard to the Council's settlement strategy and accessibility to services and facilities.

Reasons

4. Policy SPT1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (March 2019) (LP) sets out the Council's approach to delivering sustainable development. Furthermore, LP Policy SPT2 seeks to support the overall spatial strategy, and amongst other matters, ensure communities have reasonable access to a vibrant mixed-use centre, and are well served by public transport, walking and cycling opportunities.
5. LP Policy TTV1 provides a settlement hierarchy. Lifton is defined as being a 'smaller town and key villages' (tier 2). However, the LP does not define a settlement boundary for Lifton and as such the consideration of whether the appeal site is within the settlement is one of planning judgement.
6. The appeal site is not contiguous to the main built form of Lifton, with agricultural land between it and the edge of existing development. The

character of the area changes from urban to rural when approaching the appeal site, which is part of a field that has a greater affinity with the surrounding countryside than the built form of either Lifton or Tinhay.

7. As such, I find the appeal site to be outside of the settlement for the purposes of the LP and should be considered within tier 4 of the LP hierarchy, that being smaller villages, hamlets and the countryside. In such locations, development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities, including as provided for in LP Policy TTV26.
8. LP Policy TTV26 provides the Council's policy framework for guiding development within the countryside. Although I have found that the appeal site is outside of the settlement form of Lifton, it is nevertheless reasonably close to other buildings, and consequently it cannot be considered isolated. Therefore, only part 2 of LP Policy TTV26 is relevant. This provides criteria, where appropriate, for development in the countryside. Due to the proposal being for the erection of a new dwelling, and context of the appeal site, I do not find that LP Policy TTV26(2) criteria i, ii or iii to be relevant.
9. LP TTV26 (2)(v) seeks to avoid the use of Best and Most Versatile Agricultural Land (BMVAL). The Planning Practice Guidance¹ states that the best and most versatile land is defined as Grades 1, 2 and 3a. Whilst the Council within their officer report have stated that the appeal site is within Grade 3 'good to moderate quality agricultural land', the substantive evidence before me does not indicate if the appeal site is within subgrade 3a or 3b.
10. Nevertheless, even if the proposal were within 3b and therefore not BMVAL (criteria v), and also were to help enhance the immediate setting of the site (criteria vi), the proposal does not respond to a proven agricultural, forestry or other occupational need that requires a countryside location as is required by criteria iv, resulting in conflict with this Policy.
11. Within another appeal decision² that is cited by the appellant, the Inspector also found that that appeal site was within the countryside, and that a key policy was LP Policy TTV26. However, that appeal differs as it was in relation to a scheme for 10 dwellings, and although the Inspector in that instance found no conflict with LP Policy TTV26, they also found that neither did it support that proposed development. The Inspector was also clear that they came to their conclusion on LP Policy TTV26 based on the substantive detail within the evidence, which is not before me. Nevertheless, the current appeal proposal has its own circumstances and for the reasons above, I have found the proposal before me not to accord with LP Policy TTV26.
12. A range of services and facilities required for day-to-day living are available nearby within Lifton, with a bus stop on the former A30 in Tinhay. However, whilst from my observations, the route to services and facilities is relatively flat and within walking distance, it lacks footways requiring pedestrians to walk on the highway, and streetlighting along part. This would discourage pedestrian use, particularly during hours of darkness.

¹ Paragraph: 001 Reference ID: 8-001-20190721

² APP/Q1153/W/21/3289369

13. Subsequently, I find that given this limited accessibility, future occupants of the appeal scheme would be likely to utilise private vehicles to meet their day-to-day needs, with an increase in travel by private vehicle being a likely consequence of the appeal scheme. My findings on private vehicle use also accord with the appellant's planning statement which refers to the main mode of transport for occupiers inevitably being the car.
14. A further appeal decision³ which is also put before me relates to a differing settlement. Whilst the full details of the other case are not before me, I note the Inspector states that the appeal site was adjoining an estate and that access to services is available utilising an existing street-lit footway, with a bus stop near the appeal site entrance. Given this spatial relationship with adjacent residential built form and accessibility, which differs from the proposal before me, the Inspector found that the proposals aligned with LP Policy SPT1 and SPT2, and only briefly considered LP Policy TTV26. This limits the equivalence of the other case to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.
15. A differing planning permission⁴ granted by the Council nearby has also been cited by the appellant. However, this differs significantly from the proposal before me as it related to a replacement building on brownfield land with an extant permission for conversion to a dwelling. Moreover, although the Council describe the site as 'at' the settlement, they identify that the site was not 'within' the settlements of either Lifton or Tinhay.
16. To conclude, the appeal site would not be a suitable location for the proposal, with specific regard to the Council's settlement strategy and accessibility to services and facilities. Consequently, the proposal conflicts with LP policies SPT1, SPT2, TTV1 and TTV26(2) the aims of which I have outlined above.

Other Matters

17. A further appeal decision⁵ is refer to by the appellant, although the full decision letter is not before me. Nevertheless, it is put to me that the Inspector in that decision, which dates from 2014, noted that the National Planning Policy Framework (Framework) did not suggest that a five-year housing land supply (5YHLS) is a ceiling or upper limit.
18. Nonetheless, I have in any case found harm in that the proposal would be in a location outside of a settlement with future occupiers likely to utilise private vehicles to meet their day-to-day needs. Therefore, notwithstanding that a 5YHLS is not an upper limit and the Frameworks emphasis on boosting the supply of homes, the proposal does not meet with the principles of sustainable development as set out in the LP.
19. The proposal would provide an additional dwelling to the supply of housing and help to support the construction industry during the short term, as well as further economic and social benefits to nearby settlements as a result of its

³ APP/Q1153/W/22/3299678

⁴ 0487/22/FUL

⁵ APP/D0840/A/13/2209757

future occupation. However, these benefits would be limited due to the scope and scale of the development.

Conclusion

20. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR