



# Appeal Decision

Site visit made on 24 September 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> October 2024

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**Appeal Ref: APP/Y1138/W/24/3344691**

**Land and Buildings at NGR 30155 115261, Stonebridge, Uplowman, Devon**

- 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 Mr Tom Heard against the decision of Mid Devon District Council.
  - The application Ref is 23/00684/PIP.
  - The development proposed is Permission in Principle for the erection of two affordable self-build residential dwellings.
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## Decision

1. The appeal is allowed and Permission in Principle is granted for the erection of two affordable self-build residential dwellings, at Land and Buildings at NGR 30155 115261, Stonebridge, Uplowman, Devon in accordance with the terms of the application, Ref 23/00684/PIP.

## Procedural Matters

2. I have taken the site address from the Council's Decision Notice, which is more accurate than that used in the application form. I have based my decision on the red line of the site location and block plans, rather than the larger area shown in other documentation. I am satisfied that no party would be prejudiced as a result.
3. The proposal is for Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. This has two stages. The first establishes whether a site is suitable in-principle. The second stage, for Technical Details Consent (TDC), is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations at this stage is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if Permission in Principle is granted. In this case, the application form refers to a range of between one and two dwellings, but the description of development specifies two dwellings. The Council and the appellant have subsequently referred to the proposal as being for two dwellings and so I shall adopt the same approach, having regard to the relevant legislation and the PPG.

## Main Issue

5. The main issue is whether the site would be suitable for the proposal, having regard to its location, land use and amount, and in particular its accessibility to services and facilities.

## Reasons

6. The site consists of land and a building on the edge of the village of Uplowman. Policy S13 of the Mid Devon Local Plan (MDLP), adopted July 2020, identifies Settlements where small scale housing will be permitted. Its supporting text advises that these settlements have been chosen based on, amongst other things, the availability of an education facility, convenience store and transport service.
7. Uplowman is not identified as a location suitable for limited development in Policy S13. As such, it has no Settlement Limit, and the site is therefore in the countryside. Never-the-less, MDLP policies S3 and S14 make clear that self-build affordable housing may be permitted outside of Settlements to meet local needs, where it accords with MDLP Policy DM6.
8. Policy DM6 makes clear that such proposals must adjoin a Settlement, normally those set out in Policy S13. However, it also advises that where there is reasonable access to local services and infrastructure, the definition of a Settlement can be more broadly defined than just those places listed under Policy S13. MDLP Policy S1 seeks to promote sustainable transport including by reducing the need to travel by car, but also seeks to deliver a wide choice of dwellings including for those wishing to build their own home and for affordable housing.
9. Given the close proximity of other houses, the site adjoins the village. Bus service 697 provides a transport facility between it and other locations, such as Tiverton, although I have little evidence about its current frequency. The village has no Post Office or convenience store, but there is a shop in Sampford Peverall. This is only around 1.6 miles away, albeit using narrow country lanes without lighting or pavements. That said, I am mindful of the advice of the National Planning Policy Framework (the Framework) that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
10. Furthermore, the village has a primary school within walking distance of the site, and I have little substantive evidence that it is at capacity. There is also a public house, church, village hall and recreation ground within or close to the village. For the reasons given, whilst not sufficient to meet the requirements of Policy S13 for market housing, in the context of the proposal the site would have reasonable access to local services and infrastructure. It would adjoin a settlement, as more broadly defined, and thereby meet the locational requirements of Policy DM6.
11. My attention has been drawn to other appeal decisions where Inspectors have reached a different view. However, that at Crosses Farmhouse<sup>1</sup> nearby related to eight units of market housing. As such, it was not considered under Policy DM6, which seeks to encourage the delivery of affordable and low-cost housing in rural areas. My decision at Westcott<sup>2</sup> related to a different village without, for example, a school. Accordingly, these appeal decisions are not directly comparable to the proposal here.

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<sup>1</sup> PINS reference APP/Y1138/W/20/3248831

<sup>2</sup> APP/Y1138/W/22/3295785

12. Policy DM6 also requires up-to-date evidence of housing need locally, and that each house will be occupied by at least one person with a strong local connection to the parish. It makes clear that the housing must be appropriate to the proven need and that it will remain affordable (80% of market value) in perpetuity. No evidence of compliance with these requirements is before me, and reference has been made to other developments in the wider area which provide affordable housing.
13. However, if Permission in Principle were granted, it is at least conceivable that at TDC stage further evidence, such as a local housing need survey or eligibility for shared ownership housing, could demonstrate compliance of the proposal with Policy DM6. Appropriate planning obligations limiting occupation and market value could also be secured at that stage.
14. For the reasons given above, I conclude that the site would be suitable for the proposal, having regard to its location, land use and amount, and in particular its accessibility to services and facilities. It would therefore comply with MDLP policies S1, S3, S14 and DM6, and the advice of the Framework to support opportunities to bring forward affordable housing in rural areas.

### **Other Matters**

15. The access to the road has limited visibility and a 60mph speed limit. However, as two dwellings, the proposal would be unlikely to generate significant amounts of additional movement. The Council has not objected to the proposal on traffic or highway safety grounds, and I see little reason to disagree. Ecology and drainage are matters for TDC, at which stage any necessary conditions can be imposed. An acceptable design and layout, and adequate privacy for the occupiers of nearby properties, are also matters that can be dealt with at TDC stage. The effect of the proposal on the private drive or in respect of a covenant is a civil matter between the parties involved.

### **Conclusion**

16. For the reasons given above, I conclude that the appeal should be allowed.

*O Marigold*

INSPECTOR