
Appeal Decision

Site visit made on 11 September 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/Q1153/W/24/3343912

Summerhayes, Road From Summerhayes to Ingleigh Green Cross, Ingleigh Green, Broadwoodkelly, Devon EX19 8AT

- 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 Mr H Colgrave against the decision of West Devon Borough Council.
 - The application ref is 0508/24/OPA.
 - The development proposed is the erection of supervisory dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description is taken from the application form. Whilst it has been tweaked in subsequent documents, it remains sufficient to identify the scheme to which the appeal relates. In addition, the appeal seeks outline planning permission, with access fixed at this stage. I have considered it accordingly.

Main Issue

3. The main issue is whether the appeal site would be an appropriate location for new housing, with particular regard to the spatial strategy and promoting sustainable patterns thereof.

Reasons

4. Ingleigh Green is a small cluster of houses to the south west of Winkleigh. The appeal site is undeveloped and south of the property known as Summerhayes and a building containing a joinery business.
5. Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) relates to delivering sustainable growth in the area. Policy SPT2 supports communities which have, amongst other things, reasonable access to a mix of services for daily needs and are well served by public transport, walking and cycling opportunities.
6. Growth is prioritised through a hierarchy of sustainable settlements and Policy TTV1 of the JLP stipulates that in small villages, hamlets and the countryside development will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including the provisions of Policies TTV26. This seeks to protect the countryside and avoid isolated development. Due to the proximity of the site to the existing house and business as well as other houses it is not

isolated. Part 2 of this policy sets out a number of provisions including development proposals responding to a proven agricultural, forestry or other occupational need that requires a countryside location.

7. In this instance the owner of the adjacent joinery business would occupy the house. However, there is no evidence that the business needs a countryside location or that the needs of the business require the owner to be present on site 24 hours a day. I do not therefore find part 2 of Policy TTV26 supportive in this instance. There would be no tie between the business and the occupant of the proposed house and whilst this has been suggested it would be unreasonable to impose such. Given the permanence of a house this would be retained beyond the link to the individual and the business.
8. Although the site is within a settlement it is a hamlet with no services. There is a bus stop but connections are infrequent and there is no weekend service. The nearest settlement is Winkleigh which is over a mile away and there is no pavement or any street lighting. As such occupiers would more likely than not be reliant on the private car to access services and employment which would support them day to day. Although trips to Winkleigh would be fairly short, trips to larger towns and villages would require more significant distances. In any case, the car is the least sustainable travel option.
9. Even taking into consideration the sustainable transport opportunities in a rural area, highlighted in paragraph 109 of the National Planning Policy Framework 2023 (the Framework), I do not find the proposal meets sustainability objectives due to the limited options to access the site without a car. This is what sets the appeal site aside from the example at Lewdown, reference APP/Q1153/W/22/3299678, where the Inspector refers to a range of modes of travel.
10. Paragraph 83 of the Framework promotes sustainable development in rural areas and states that houses should be located where they would enhance or maintain the vitality of rural communities. With planning policies identifying opportunities to grow and thrive. Whilst the occupant of the proposed dwelling may use the services in Winkleigh, the overall impact of this would be minimal and each journey to the village would most likely be by car. Paragraph 88 is supportive of the rural economy, although the proposed development is for a dwelling and not a business. There is a link between the appellant and the business, but one is not needed to support the other.
11. With this and the above in mind, the appeal site would not be a suitable location for new housing. Accordingly, it would conflict with Policies SPT1, SPT2 and TTV1 of the JLP. The aims of which I have set out.
12. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED. In addition, Paragraph 63 of the Framework recognises the needs of different groups of people in the types of homes that need to be built, which includes disabled people.

13. Allowing the house will mean that the appellant can live close to both their business and parents. Only limited details have however been provided in respect of why being so is required due or directly related to the medically supported neurological condition. Whilst I can see that this is a helpful outcome and the fact that there is land available to build a house is convenient there is insufficient evidence in respect of the need in medical terms. Furthermore, no information has been provided to demonstrate other than location how the house would meet the appellants specific needs. In addition, no sufficiently compelling evidence has been provided to demonstrate that there are no existing homes in the area which would respond to the appellant's needs, or specifically why the appellant currently requires care from their parents. I have been mindful of the Equality Act 2010, insofar as taking steps to meet the needs of people with protected characteristics, such as disabled people but, for the above reasons, the appellant's circumstances in this regard would attract moderate weight.
14. If the appellant moved to a house elsewhere, they would likely have to drive to get to their place of business. It has not however been satisfactorily demonstrated that there are no properties available near to the site that the appellant could live in which would meet the same objectives without the need to build a house in an unsustainable location.
15. The scheme would provide a new dwelling, but it seems the Council's supply in that respect is more than healthy. I am aware that having a housing supply should not represent a ceiling for development and I do not disagree. However, matters still need to be weighed and balanced accordingly. There are no sufficiently robust mechanisms before me to ensure the dwelling would be affordable or provided specifically for a local person. There would be some benefit in the support of the facilities in the nearby village of Winkleigh but these would be limited on the basis of only one house being provided. I acknowledge local support for the scheme, but this does not absolve me from making an assessment as to its merits in planning terms. Taken together, I would afford these matters limited weight.

Other Matters

16. With regard to the appeal in Stoke Gabriel reference APP/K1128/W/20/3261020, the Inspector concluded that the proposals performed well against the requirements of SPT2 and that is not the case in this instance. I do not have further details in respect of the location of that appeal and I cannot conclude that they are sufficiently similar to the case here even if both are Tier 4 settlements.
17. The appeal at Lamerton, reference APP/Q1153/W/18/3206945 is again in a different settlement and I do not have any specific details on the location and the relationship to other settlements or services. However, in this instance the Inspector specifically notes that 'not all trips would have to be made by car'. This would not be the case here as there are no services within walking distance of the appeal site. The Tavistock case, reference APP/Q1153/W/21/3289369, found no conflict with TTV26. I have reached a similar conclusion in this case. That appeal also concluded that despite a site not being isolated it was still not sustainably located and therefore contrary to SPT1 and SPT2. This is the view I have come to. In addition, each case for personal circumstances will differ. It is therefore difficult to compare others on

a like for like basis. This is primarily in regard to appeals APP/Q1153/W/23/3327354 and APP/Q1153/W/19/3241325 cited by the Council.

18. Reference is made to the change of use of the adjacent building to a commercial use and this being considered sustainable and not in an isolated location when it was approved. However, this proposal related to the reuse of an existing building and also for a business use so whilst of relevance it is not a point for direct comparison.
19. Only application references have been provided in regard to schemes granted planning permission locally. However, they relate to conversions and replacement dwellings so are not directly comparable. The appellant argues that these have increased the population in the area and their proposal will not as they currently live with their parents. Be this as it may, an increase in the local population is not a contentious matter. Neither is the lawful use of the appeal site.
20. An application for a rural worker house is referenced in Winkleigh in relation to a cactus shop. Without knowing the full circumstances of the case, it is unclear how it compares. In the case of this appeal the business is not found to require a worker living near it which may be different to the case referenced. The appellant has suggested that a local connection condition could be used. However, it would not make the development any more sustainable. I do not therefore feel it would be reasonable or necessary.

Conclusion

21. The proposed development would conflict with the development plan for the reasons I have set out. I would ascribe this substantial weight since it relates to the principle of the proposals. With this and the above in mind, there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should thus be dismissed.

H Faulkner

INSPECTOR