

Appeal Decision

Site visit made on 28 October 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2024

Appeal Ref: APP/U1105/W/24/3341070

Land adjacent to Park House, Normans Green, Plymtree EX15 2LA

- 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 and Mrs McCandlish against the decision of East Devon District Council.
 - The application Ref is 23/1978/FUL.
 - The development is described as 'proposed new dwelling and relocated site access with associated landscaping and parking.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellants' Heritage Statement outlines the historic assets in the vicinity of the appeal site. These include Plymtree United Reform Church, north of the appeal site, beyond the crossroads. This grey limestone building has a plaque dated 1850 with a gabled entrance porch and low set back buttresses on its main corners. Its small church yard is accessed by a listed wrought iron gate and enclosed by a stone wall which is also included in the listing.
3. Normans Green House is on the opposite corner of the crossroads from the Church. This dwelling dates from the 17th Century and is a plaster cob house with a thatched roof. These buildings and structures are Grade II listed and their historic significance and interest can be clearly appreciated at the crossroads in this rural setting.
4. The appeal site forms the southeastern corner of the crossroads. The proposal is for a single dwelling that would be centrally located in a sizeable plot. The new built form would be separated from the listed assets by significant landscaping features, including a new orchard and wildflower meadow and mature hedging at the site boundary. The dwelling would also be set apart from these designated historic assets by the road network. With this degree of separation, retained space and green features, the existing rural setting of the listed buildings and structures would be preserved.
5. Attention has been drawn to emerging plans. The two plans appear to be at a relatively early stage of preparation such that there are likely matters that

are not yet resolved. Therefore, the policies of those emerging plans attract limited weight in this appeal.

Main Issue

6. The main issue is whether the appeal site is a suitable location for a dwelling having regard to the spatial strategy of the development plan.

Reasons

7. Normans Green comprises a small number of properties that are generally grouped at three corners of the crossroads, with the United Reform Church providing a focal point for this hamlet. Located at the fourth corner of this crossroads, the appeal site is close to the core of this little settlement. However, this site is a field, and with a farmstead some distance to the south and a small number of scattered properties to the east, it appears part of the largely undeveloped countryside surrounding Normans Green.
8. Properties in the settlement are a mix of some period but mostly 20th century dwellings, and this includes a small modern cul-de-sac which is one of the few sections of the settlement benefiting from dedicated pedestrian footways. More recent additions to the hamlet appear limited, with the exception appearing to be a relatively new dwelling located north of the Church.
9. The nearest local shop is in Plymtree, where there is also another church, a post office, primary school, village hall, recreation ground and pub. While that settlement is only about half a mile from the appeal site, with a significant swathe of countryside in between, Normans Green and Plymtree appear distinctly separate settlements in this rural setting.
10. The spatial strategy of the East Devon Local Plan 2013 - 2031 (Local Plan) focuses growth on the West End of the district and at East Devon towns. Villages and rural areas will see lower growth levels with development primarily focused on meeting local needs. In villages, hamlets and the rural areas of East Devon the aim is to secure a vibrant and dynamic future with an emphasis on community led development to meet local needs.
11. Strategy 6 of the Local Plan states Built-up Area Boundaries are defined on the Proposals Map around the settlements of East Devon that are considered appropriate through strategic policy to accommodate growth and development. Normans Green and the appeal site are not in a defined boundary, and while neighbouring Plymtree may have had an area boundary previously, this is not the case in the current Local Plan.
12. Strategy 27 of the Local Plan deals with villages, but these are larger villages with boundaries. The supporting text of this Policy clarifies some settlements may wish to see development to help deliver facilities or provide housing to meet a specific need. This will be acceptable provided it is supported by evidence and a Neighbourhood Plan demonstrating that the local community is supportive.
13. In light of the above, the policy most relevant to this proposal is Strategy 7 of the Local Plan which states that development in the countryside will only be permitted where it is in accordance with a specific Local or

Neighbourhood Plan policy that explicitly permits such development. The supporting text of this Policy clarifies development in open countryside outside defined boundaries will be resisted, unless on the merits of the particular case, there is a proven agricultural, forestry or horticultural need or it will meet a community need that is not or will otherwise not be met or there is another clear policy justification.

14. The proposal has not been advanced in support of agricultural, forestry or horticultural need. With regards community need, the evidence indicates that the proposed orchard would be for community use. This may be so, but no mechanism has been presented to ensure that would be the case. Also, I find no compelling evidence that this would address a particular community need in the area.
15. The submitted information indicates that the dwelling is intended for a local family and would be a self-build development. Legislation places a duty on authorities to give development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period. However, this is not an unqualified duty and Planning Practice Guidance clarifies when considering whether a home is a self-build or custom build home, authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
16. The appellants assert that there is a considerable level of undeliverability against a high level of demand for self-build developments in this district. However, limited information is submitted in respect of this matter to allow detailed consideration.
17. This aside, I understand that the appellants are on the local self-build and custom home register. However, while the original application and appeal statement suggest that this proposal would be a self-build home, and the appellants have had input into the design of the dwelling, there is nothing before me that would give certainty that the appellants would be the initial owner of the resultant home. Therefore, even if I accept that the Council is failing to deliver in respect of this duty and that there is a proven local need, there is no certainty that this proposal would address this need. Without this certainty, I am not satisfied that a policy justification has been demonstrated in this case.
18. Strategy 7 also requires that development would not harm the distinctive landscape, amenity and environmental qualities within which it is located. The submitted plans show that much of the plot would remain relatively undeveloped either as orchard or a paddock, and the site would be bounded by native hedges. Also, this is a single dwelling in a sizeable plot, and this would be in keeping with the grain of existing development in this immediate setting. With a well thought out design, I agree with the Council that the proposal would generally accord with these particular requirements of this Policy.
19. However, while the Parish Council may have made representations for an additional 35 dwellings in this area, this was some time ago in 2010, and I find no specific current Local or Neighbourhood Plan policy that explicitly permits the development proposed in this case. Moreover, it has not been

demonstrated that the proposal would address a proven local need in this area. There would be conflict with Strategy 7 of the Local Plan in these regards.

20. My attention is drawn to Paragraph 15.23 of the Local Plan. This paragraph reiterates that in rural areas the policy approach is one of development constraint and countryside conservation whilst recognising the needs of those who live or work there. It goes on to say, there will be scope for small villages without Built-up Area Boundaries to benefit from limited development specifically to meet a proven local need, for instance for affordable housing. This proposal would not satisfy this policy aim.
21. The appellants highlight that the emerging Local Plan states self-build homes are a component of local housing need. Even accepting this, it is uncertain that this development would work towards addressing this need for the reasons stated above.
22. In terms of accessibility, the appeal site is a short walk from the local shop, and the pub and school is not much further beyond that local convenience. However, while the shortest route to these local services is relatively straight, this is via a rural road without a dedicated footway.
23. This local road network is subject to a low speed limit; however, it does not benefit from street lighting. Although there are some wide verges, these are not continuous along the roads between the appeal site and Plymtree and as the submitted images show the roads narrow in places. Therefore, although the walk to the shop may be pleasant at times, without a separate footway, this route would be unappealing for those with small children or those that are less physically able. Also, it would not provide a safe option outside of daylight hours.
24. The local road network loops and thereby provides a couple of routes to Plymtree. Taking the route southeast, the lane links with a public footpath to the recreation ground and the Parish Hall. Again, this may well be a pleasant walk at times, but for significant stretches, pedestrians are sharing the carriageway with motor vehicles and the lanes are unlit. Future occupants may not find this route either safe or convenient means of accessing local services on a regular basis for these reasons.
25. Bus services cover Normans Green and Plymtree. Indeed, the bus stop is at the boundary of the appeal site. These services provide access to Cullompton, Honiton and Exeter and the wider range of services offered in those large urban areas, albeit the services are limited to four times a week at most. There is also a school bus service for secondary school pupils. Cullompton is only a few miles from Normans Green such that cycling could be an option. The evidence also indicates two railway stations that can be accessed by the bus three times a week. At less than four miles away these stations could also be accessed by a bike ride. In summary, there would potentially be some sustainable transport options open to future occupants of the dwelling.
26. However, even if I accept that Plymtree is a strong community base, that changes in working practices have occurred and that some services may no longer be dependent on in-person appointments, the appeal site is located

in a rural area where pedestrian access to the nearest local services may not always feel safe or convenient.

27. The evidence states that there has only been one serious accident near Plymtree and that did not involve pedestrians or cyclists. Be this as it may, given the local factors identified above, occupants of this new dwelling would likely be dependant on a car to provide flexible and safe access to a range of services necessary for day to day living, particularly if the future occupants comprised a family with small children. For this reason, even if I accept the proposal would contribute to the objectives of promoting and securing sustainable modes of travel, the development would not be well related to compatible land uses so as to minimise the need to travel by car.
28. Attention is drawn to an appeal decision in Torridge, but that is another district where the local policy context will differ from the one relevant to this proposal. A further appeal decision for a similar type of development near Normans Green is highlighted. However, unlike the appeal site, the site in that case was in the centre of Plymtree, opposite the pub, and where pavements provide access to the local school. The location of that development was distinctly different in these respects and not directly comparable to this proposal for this reason.
29. Attention is also drawn to the new dwelling, located to the rear of the Church in Normans Green. However, this appears to be a replacement of an existing building and it not directly comparable to the development subject of this appeal. All other recent permissions for dwellings appear to be at sites in Plymtree and different in this regard from this proposal.
30. An application for thirty dwellings has also been highlighted, but I understand that this is yet to be determined by the Council. It is stated that the proposal is north of the school such that it is significantly closer to Plymtree than the appeal site. The circumstance of that proposal is considerably different from those at the appeal site. These matters have not altered my findings on this issue for the reasons stated.
31. Consequently, I find that the appeal site is not a suitable location for a dwelling having regard to the spatial strategy of the development plan. In this respect the proposal would fail to accord with Strategy 5B, Strategy 7 and Policy TC2 of the Local Plan. These Policies collectively guide development in the countryside, and amongst other matters require development to be accessible and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Planning Balance and Other Matters

32. The Council has not raised concerns about parking, highways safety, drainage or impact on local residents and heritage assets. However, development should be acceptable in this regard, and these are therefore neutral factors.
33. The evidence demonstrates that significant effort has been made to engage the local community. There is considerable local support for the proposal,

including from the Parish Council. The development would have positive design features which include the proposed orchard, retentions of trees, Devon hedgerows, renewable energy and energy efficiencies incorporated into the dwelling, and significant biodiversity net gains at the site. These are all benefits which could be secured by condition and this high quality design weighs in favour of this proposal.

34. Although future occupants would likely be dependent on a car to access a wide range of services, those services would only be a short drive away. Moreover, the National Planning Policy Framework (the Framework) highlights opportunities to maximise sustainable transport solution will vary between urban and rural areas. Also, there would be some public transport options available at this location. These matters weigh in favour of the development at this location.
35. Reference is made to a shortfall in housing land supply in the appellants' planning statement. However, the subsequent appeal statement accepts the Council's assertion that it is currently able to demonstrate the required housing land supply. Considering the evidence advanced, I find no reason to draw a different conclusion on this matter. Concerns have been raised about the undersupply of self-build plots to address identified need. However, as already outlined, limited information has been presented to substantiate that assertion. Accordingly, provisions set out in Paragraph 11 of the Framework are not triggered in this case.
36. This aside, housing land supply should not be seen as a cap. While I have not been provided with certainty that this would be a self-build plot, the development would nonetheless provide a family sized dwelling. This would make a contribution to the Government's objective to significantly boost the supply of homes and would add to the mix of much needed houses in this area. As a small windfall site, it could be built quickly and there would be local economic benefits through the construction phase.
37. While the Local Plan seeks to limit development in the countryside, its spatial strategy allows some growth to ensure the vibrancy of rural areas, and this is reflected in the Policies of the Local Plan. These Policies, which include Strategy 7, are therefore not overly restrictive and are generally consistent with provisions of the Framework which seek to maintain the vitality of rural communities. While this proposal may not address a proven local need, future occupants would likely support local services and add to the vibrancy of this rural area, and this would be a social and economic benefit.
38. The benefits identified above would be small given the scale of the development. Nevertheless, the social, economic and environmental benefits would be significant.
39. Weighed against the benefits is the conflict with the spatial strategy of the Local Plan. As indicated above, this strategy appears generally consistent with relevant provisions of the Framework. While this is a small development, it seems to me that if allowed, there is the potential, when considered cumulatively, for such proposals to undermine the aims of this spatial strategy. The development would cause significant harm in this regard. The benefits would also be significant, but, I have not been

convinced that this harmful development would be the only means of securing these, and that factor reduces the weight that they attract. In turn, the benefits would not outweigh the identified harm to the spatial strategy and this conflict with the Local Plan, even when considered collectively.

40. Sections of the emerging East Devon Local Plan 2020 – 2040 have been highlighted. Emerging Policy 7 states development outside settlement boundaries will not be generally supported and in this regard takes a similar approach on this matter to current Local Plan Policies. Unlike the current Local Plan, the emerging plan includes a Policy for self-build housing. However, as previously stated there may be matters yet to be resolved with this policy given the stage of plan preparation. In any event, I have no certainty that this development would address the aims of this emerging policy.
41. It is suggested that the emerging Neighbourhood Plan will include site allocations. Be this as it may, that plan is at the very early stage of preparation and attracts very limited weight for this reason. My findings are not altered by these emerging plans accordingly.
42. Attention is drawn to Court judgments related to the application of development plan policies. In respect of this, Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. While there may be local policies that are not in dispute in this case, I have found that this proposal would conflict with the spatial strategy of the current Local Plan and there would be conflict with the development plan when read as a whole. The material considerations identified do not indicate a decision otherwise than in accordance with the development plan in this case.

Conclusion

43. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR