



Appeal Decision

Site visit made on 18 November 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/J9497/W/24/3338765

Land at Highlands, SX 51131 70228, Horrabridge PL20 7TZ

- 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 K and W Shadrack and Egan against the decision of Dartmoor National Park Authority.
 - The application Ref is 0488/23.
 - The development proposed is construction of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with details of access and layout to be determined at this stage. Matters of appearance, landscaping 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 proposal would be an appropriate form of residential development, having regard to the local development strategy.

Reasons

4. Paragraph 1.6.6 of the Dartmoor Local Plan 2018-2036(LP) iterates that land supply in the Dartmoor National Park (DNP) is severely limited due to the importance of Dartmoor's environment, and therefore the LP seeks to ensure that suitable development land is used to best effect. In this regard, LP Strategic Policy(SP) 1.2 outlines that all proposals within DNP should pursue sustainable development, noting that development is sustainable when, amongst other criteria, it makes efficient use of land.
5. This accords with the National Planning Policy Framework (Framework) which seeks to achieve appropriate densities, by making efficient use of land, taking into account amongst other things, the identified need for different types of housing, and the availability of land suitable for accommodating it. The Framework also states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
6. The appeal site is subject to an outline planning permission for 5 dwellings. I have no substantive evidence before me that such a quantum of development

and associated infrastructure could not be achieved given site constraints or would not be appropriate to the character and appearance of the wider area. Furthermore, the appellants highlight that the DNP SCHLAA (dated 2017) set out that the appeal site would deliver 10-15 units and as planning permission has been granted for only 5 units, the need for housing has grown since last assessed. Even if this is the case, this further highlights the importance of achieving an appropriate density at the site.

7. Although the proposal would result in dwellings of similar scale to those adjacent, the appeal site is large, and the proposal would inevitably result in a low-density development that would not achieve a housing yield expected from the size of appeal site, even noting access constraints and topography, and thus be an inefficient use of land.
8. The proposal is put forward as a self-build development. LP Policy 3.6 seeks to positively encourage custom and self-build housing subject to certain criteria, namely it is either affordable housing or local needs housing restricted to 93m², or unrestricted market housing, in accordance with LP Policy SP3.3.
9. LP Policy SP3.3 supports housing development in Local Centres subject to certain criteria. In respect of proposals of up to 5 dwellings, the Policy requires that the development must comprise local needs custom and self-build housing and provide not less than 45% affordable housing(AH) on site or the equivalent commuted sum.
10. LP Policy SP3.3 further states that the AH contribution may only be varied where a higher proportion of open market housing is proven essential for viability, and the development is still making a meaningful contribution towards the provision of affordable housing, community infrastructure, or environmental betterment within the wider settlement.
11. The evidence before me indicates a demand for custom and self-build housing in the area, and that the appellants are able to demonstrate a local connection. Furthermore, a signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) (UU) submitted with the appeal ensures that the proposal would provide 2 self-build and custom housing units that would be occupied by a person with a local connection. However, it does not go as far as to secure affordable housing provision, and in combination with the proposed size of the units exceeding 93m², inevitably results in conflict with LP Policies SP3.3 and 3.6.
12. Nevertheless, each of the appellants have outlined a need for the dwellings of the size proposed for multi-generational accommodation, which includes children and elderly parents with a future need of care. In this respect, the development plan relevant to this appeal does not feature a specific policy in relation to multi-generational housing.
13. The Authorities approach to differing types of housing is outlined in LP Policy SP3.2. Amongst other things, the Authority seeks to ensure housing contributes towards creating and sustaining sustainable and balanced communities by delivering a mix of dwelling sizes and types. LP paragraph 3.2.4 also highlights the importance that future housing supply responds to the needs of older people and meeting the needs of an ageing population by providing smaller, more accessible, and adaptable homes.

14. The planning system allows for local discretion in devising policies. Even if the LP is silent on multi-generational housing, it nevertheless seeks a mix of housing to achieved balanced communities and meet the needs of present and future generations. I therefore find its approach is broadly consistent with the provisions of the Framework and for the purposes of this appeal I consider the LP is not out of date.
15. Another appeal decision¹ has been cited by the appellant, although minimal details have been provided within the evidence before me. Notwithstanding, even if the Inspector in that appeal found that the need for smaller affordable units in the locality did not outweigh the identified need of that appellant, that appeal decision related to a differing area with differing housing supply pressures to that within a DNP, differing local policy context, and I have no information in relation to the specific needs of that particular appellant. Therefore, that appeal materially differs to the scheme before me.
16. Although providing two multi-generational self-build dwellings, I conclude that the proposal would not be an appropriate form of residential development, having regard to the local development strategy. The proposal would conflict with LP policies SP1.1, SP1.2, SP1.3, SP1.5, SP3.1, SP3.3 and Policy 3.6. These policies seek, amongst other things, to secure the statutory purposes of the National Park, deliver sustainable development, and ensure efficient use of land to deliver appropriate types and size of housing to meet housing needs.

Other Matters

17. I have no doubt that the proposal would benefit the appellants and their families by providing a suitable living space and enabling the appellants to be on hand to provide any necessary future care for elderly and disabled family members.
18. However, I have not been provided with full and detailed medical evidence as part of this appeal as to why accommodation of the size proposed is necessary and why care couldn't be provided by other means. Moreover, although I note the appellant's comments in relation to cost of property, it has not been demonstrated why other independent members of the family could not occupy a smaller unit of accommodation as could be provided at the site. Therefore, I afford the personal circumstances in favour of the proposal moderate weight.
19. Furthermore, the proposal would go towards meeting a demonstrable demand for self-build and custom housebuilding in an area within easy walking distance of services and facilities. Additionally, multigenerational housing has the potential to assist the wider housing market through the release of existing under occupied housing stock and the future occupiers would also provide economic and social benefits in terms of future spend within local businesses and use of local services and facilities. I however afford this modest weight given the proposed quantum of development and loss of potential additional units at the appeal site due to the inefficient use of land.
20. The proposal would also provide benefits in terms of a potential biodiversity net gain which I afford modest weight given the scope and scale of the development.

¹ APP/K1128/W/23/3320867

21. However, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring the delivery of a sufficient supply of homes, taking into account amongst other things, the local development strategy, need for different sizes of housing, the availability of land suitable for accommodating it and lack of affordable housing contribution.
22. The harm I have identified could not be overcome by for example, suitably worded conditions. Therefore, whilst I acknowledge the personal circumstances of the appellants and their families, these are not matters which outweigh the harm that would be caused by the proposal in respect of my conclusion on the main issue.

Conclusion

23. 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 are of such weight that indicate a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR